



# Restorative Justice Listening Project

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Final Report | November 2017

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**ZEHR INSTITUTE**  
FOR RESTORATIVE JUSTICE

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# CONTENT

<b>Executive Summary</b>	<b>01</b>
Overview of Project	01
Key Question	02
Project Goals	02
Critical Themes Emerging	02
Overview of Recommendations	04
<b>Recommendations</b>	<b>05</b>
<b>History &amp; Background</b>	<b>09</b>
Where have we come from?	09
Defining the issues - restorative justice as a social service, paradigm shift, or a social movement?	09
What have we learned from other Criminal Justice Reform movements?	11
How do we grow and nurture the restorative justice movement?	11
<b>Methods &amp; Demographics</b>	<b>13</b>
<b>What We Heard</b>	<b>17</b>
1. Indigenous Paradigms of Restorative Justice	17
a. Healing and Justice in a holistic worldview	17
b. Cultural Revival, Colonization and Peacemaking/Restorative Justice	18
c. Navajo Peacemaking	19
d. Language	20
2. Western Paradigms of Restorative Justice	21
a. Celebrating Strengths	21
b. The Full Integration of Social Justice Values into the Movement	24
c. Scaling Up, Quality Trainings, Integrity of Practice and Walking our Talk	28
3. Defining the terms: Restorative Justice, Restorative Practices, Peacemaking, Circle	34
4. Decentralized National Network, Regional Hubs, and Coalition-Building Structures	35
5. Sustainable Funding	39
<b>Appendices</b>	<b>41</b>
1. Facilitation Template	41
2. Survey Template	42
3. Attendees & Affiliations	43

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# EXECUTIVE SUMMARY

## Overview of Project

The Zehr Institute for Restorative Justice (ZI) conducted a strategic Listening Project from February to April 2017. The purpose of the listening project was to engage a cross section of restorative justice (RJ) practitioners who represented different demographics—urban, rural, aboriginal, east coast, west coast, Midwest and one Canadian territory. The intention was to get a feel for “the state of the state” of restorative justice—to take the pulse of where we are now as a movement, create a shared roadmap for the future, and offer recommendations to advocates and donors on how to resource and build the restorative justice movement.

This project was not meant to be a field scan or act as way to map or document who’s who in restorative justice—the spread of restorative justice is far and wide and that would be a task much greater than we could undertake. We want to acknowledge that there are many critical “hubs” of RJ practice across the US that we were not able to visit, meet or speak with. We also recognize that we only visited one territory in Canada, which grossly under-represents the diversity of restorative justice practiced in Canada. This is by necessity only a sampling cross-section of the RJ work being accomplished across this continent.

The following report captures the major themes, trends and recommendations that emerged from the five listening sessions and final working group convening. It does not capture the full wealth of knowledge that was shared by the 130 participants. More in depth documentation from each listening session can be made available upon request.

Note: There were 130 unique participants and 146 total participants (some participants attended more than one session).

The following outlines the locations, dates and numbers of persons that participated in the Listening Project:

Location	Dates	Number of Participants
Minnesota	February 24	22
Maryland	February 27	19
British Columbia	March 17	30
Bay Area, California	March 22	28
Navajo Nation, New Mexico	March 31	30
Final Convening - Virginia	April 6-8	17



## Key Question

Driving this project is the overall question of: ***What is the maximum impact we in the restorative justice movement want to see or that we can imagine emanating from the movement in the next decade?***

## Project Goals

1. Engage the wisdom and experience of both thought leaders and local practitioners of restorative justice.
2. Understand the current landscape of the restorative justice movement.
3. Offer regional direction and recommendations that emerge from local social context, people, and history.
4. Examine successes and challenges that are area-specific and identify issues that are movement specific.
5. Provide Porticus Foundation with a set of recommendations that will guide the allotments of funding and capacitation support over the next three years (2017-2020) to maximize the impact of the restorative justice movement for the next decade.
6. Provide a larger cadre of funders and potential funders with information on the nature, impact and direction of restorative justice.
7. Reflect what we heard in the listening session project back to the restorative justice community to deepen our movement building.

## Critical Themes Emerging

As a result of the Listening Project, it is evident that we are now in the midst of a rising tide of interest and a swirl of applied practice around restorative justice writ large, and that many academics, practitioners, educators, community activists and movement organizers across North America are engaging in restorative justice in some way. However, as in all social movements, the depth of understanding and coherence of practice remains somewhat elusive. With this exceptional growth in restorative justice, a significant need has arisen to channel the movement with organic visioning and collective action for it to be fully impactful. The challenge is to form structures that have systemic influence at a national, regional and local level, reflective enough to remain true to restorative justice values, principles, and practices, centering a diversity of people engaging in restorative justice and not asserting a top-down or power-over framework in movement building itself. This report is one attempt to imagine and articulate these ends.

The following seven (7) themes emerged from the listening process and paint the general backdrop of issues to help position and frame this recommendation report.

**1. Four Locations of Restorative Justice:** It became clear that there are at least four distinct streams of restorative justice practitioners: (i) those in indigenous and aboriginal settings, (ii) those in community-based organizations or activist settings, (iii) those in schools and educational environments, and (iv) those working with or in legal systems and institutions. Each of these restorative justice locations are distinct and driven by their historical context. Definitions and practices of restorative justice, language use, and strengths and challenges flow from there, which at times leads to confusion about how to define restorative justice. A more complex and inclusive understanding of restorative justice would include all of these streams of what are variously called restorative justice, restorative justice practices, restorative practices, peacemaking and circle. In addition, there was a strong collective voice advocating for resources to support indigenous forms of peacemaking and restorative justice.

**2. Naming Strengths and Honesty about Barriers:** In the work of justice and activism for social change, we tend to fall into two extremes: either to only talk about our successes and ignore our failures, or to only focus on the barriers and obstacles we face and never take time to reflect on what is going well. In the listening sessions, we discovered that the restorative justice field has created the space for its practitioners to be reflective—to carefully assess both the strengths and challenges of our work with genuine honesty.

**3. Living our Values as Restorative Justice Practitioners and Organizations:** Commonly referred to as walking our talk—this theme emerged repeatedly. At an interpersonal level, this means that practitioners must connect to self, self-awareness and self-healing as the starting point to link to others and the work of restorative justice. At the community level, each organization must practice what they preach and espouse restorative justice values within their organization. At a structural level, this means engaging with top-down reform and legislation with ethical integrity, and organizing collaborative approaches to change from the bottom-up.

**4. Tensions in Scaling Up and Integrity of Practices:** Considerable discussion was held around co-optation of restorative justice into institutional systems (state, prison, judicial, school); concern about practitioners who are not well trained; pressure from systems partners for restorative justice to be a quick fix rather than a paradigm shift; and how to scale up with integrity and without losing restorative justice values. The latter was discussed at great length at most of the listening sessions. A tension that captures this issue is the pressure from various stakeholders—systems partners, funders and within the RJ community—to offer technical certification in restorative justice to meet the needs of scaling up RJ, which faces a strong sentiment from practitioners that certification threatens authenticity of practice, because with certification access to practice becomes the domain of educated professional elites which excludes marginalized, directly impacted people and community wisdom. In other words, certification can be inherently oppressive. There was a strong recommendation to find ways to create strong practitioners without the need to formally accredit practice. In other words, to truly equally value community wisdom and the wisdom of directly impacted people to technical skills and formal education.

**5. The Full Integration of Social Justice Values—anti-oppression and specifically anti-racism—into the Restorative Justice Movement:** The western paradigm of restorative justice was not birthed out of inequity and oppression in the same way social justice movements form, and so this question arises about whether restorative justice is a social justice movement. Two factors have moved restorative justice partially in the direction of social justice: the increased recognition of the indigenous roots of peacemaking as a form of restorative justice, and the adoption of restorative justice by practitioners who intersect with various social justice movements because of their identities as people of color or marginalized people. Most practitioners in the listening sessions were clear that the integration of social justice values into restorative justice must be centered. Social justice values must become embedded at every level—the impact of oppression must be understood from every micro interpersonal circle to the macro design of new restorative justice processes, to resourcing indigenous paradigms of peacemaking, addressing historical harms, and ensuring real diversity in national leadership structures, to name a few things.

**6. Structures to Build the Movement: Partnerships, Coalitions, Regional Hubs, National Networks and a National Fund:** Conversations were had at all sites around effective partnership and coalition building. Sites reflected on failed attempts to envision better partnership and coalition structures, and envisioned successful coalition structures. There is a strong desire to have a decentralized national network that can link the local and regional work and to develop a national fund that supports mid-sized and small regional and local community-based RJ organizations. Most important was for local and regional coalitions and national networks to be characterized as having: the core values of collectivity and ‘power-with’ infused from the micro to macro levels; structures that redistribute power on a regular basis; and formations founded on mutual learning and growth amongst all stakeholders along the justice spectrum. Participants urged funders and all concerned to support the organic development (relationship-based, not institutionally mandated) of local, regional and national coalitions and networks.

**7. Sustainable Funding:** There was less enthusiasm amongst the sites to engage in this topic. This could have been due to many factors, one being that participants were interested in delving into content and movement issues and that the listening project was framed as such. Building connections and networks between funders and organizations was a recommendation shared amongst all sites—possible ideas included grassroots organizations working with funders to change the RFP process, better information flow and visibility between funders and grassroots organizations, and inclusivity of the funding community in restorative justice conversations. Many participants were concerned that as RJ practitioners we have not effectively framed our public messaging and that as a movement restorative justice needs to tell a better story not just for garnering resources, but also so people (the public) could better understand its scope.

## **Overview of Recommendations**

Coming out of the emergent themes listed above, the following top recommendations are being proposed. Each of these recommendations will in turn be extrapolated in detail in the following section of this report.

- 1. Support Indigenous peacemaking and restorative justice practices, as determined by indigenous communities in their own context (i.e. a strong bottom-up approach).**
- 2. Support movement building:**
  - a. Create decentralized structures such as national networks and regional coalitions or hubs.**
  - b. Develop a restorative justice fund that supports mid-size regional and local community-based restorative justice organizations.**
- 3. Support the full integration of social justice values—anti-oppression and specifically anti-racism—into the restorative justice movement.**
- 4. Support quality trainings and maintain the integrity of practices in restorative justice.**
- 5. Support sustainable funding and resource allocations that maximize impact and involve long-term program/project design, implementation monitoring, and evaluation plans (5-10 years).**



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# RECOMMENDATIONS

Based on the listening session trends and working group recommendations, the top five recommendations to resource and grow the restorative justice movement are detailed below. Most of the sub-recommendations were articulated by participants in the listening sessions, while the overarching recommendation provides the synthesis.

## Recommendation #1

**Support indigenous peacemaking and restorative justice practices, as determined by indigenous communities in their own context (strong bottom-up approach).**

There is an urgency to support aboriginal justice because:

- a. Our Indigenous relatives live closest to a holistic worldview that can transform a western punitive justice system to the alternative paradigm we seek.
- b. Westerners are responsible for the colonial history that destroyed the Indigenous life-way and they are rebuilding and experiencing some cultural revival.
- c. Their root values are centered in restorative justice and peacemaking (even if they call it something different).

### Sub-recommendations:

- 1 **Resource indigenous peacemaking and restorative practices**, as determined by the needs of that community.
- 2 **Exchange efforts:** Support inter-tribal peer-to-peer learning, training and exchange inter and intra tribe. Eventually this could also lead to learning highways: between western world and indigenous RJ practitioners.
- 3 **Specific recommendations for the Navajo Nation (representing a model pilot case):** Support public education to integrate the Fundamental Law of the Diné at all levels from coloring books to university classrooms, led by Navajo in their own way.
  - a. Support funding for infrastructure to build a peacemaking institute as well as support a peacemaking program that builds the peacemaking infrastructure in schools, and outside of the court system.
  - b. A key strategy could be to start an apprenticeship program for Navajo lawyers. The law students would study and understand the framework of traditional Diné philosophy and practice. They would work with Navajo communities using the Navajo paradigm to think through issues and solve problems in a traditional Diné manner even while fully understanding the procedures of Anglo-American law.
  - c. Operational Resources: offer political support, technical assistance, media support as requested.

## Recommendation #2

### Support movement building:

1. **Create decentralized structures such as national networks and regional coalitions or hubs.**
  2. **Develop a restorative justice fund that supports mid-size regional and local community-based restorative justice organizations.**
1. **Support 'Hubs' or regional coalitions that become the organizing norm with some form of national structure that is also decentralized.** Link the local and regional work of particular individuals and organizations together through trusted relationships and partnerships through forming coalitions that are connected with national networks. Desirable local and regional coalitions and national networks were characterized as: having the core values of collectivity and 'power-with' infused from the micro to macro levels, structures that redistribute power on a regular basis, and formations founded on mutual learning and growth amongst all stakeholders along the justice spectrum. Support the organic development (relationship-based, not institutionally mandated) of local, regional and national coalitions and networks.

- a. Resource restorative justice organizations that have regional and national reach to function as “hubs” for these coalitions / networks. These hubs would primarily coalesce around convened national gatherings, national fund decision-making and other strategic learning exchange processes. Hubs would operate from a bottom up approach and in partnership with appropriate local and regional actors. Some of the activities of hubs could be:
  - i. Host trainings and practice development
  - ii. Host convening spaces to connect ideas, people, structures and resources
  - iii. Encourage network weaving and coalition building at local and regional levels
  - iv. Build capacity for innovation in practice
  - v. Offer advising and coaching services to local and regional RJ partners
  - vi. Sponsor and conduct research in partnership
  - vii. Provide restorative justice facilitations for harms / cases if requested
  - viii. Manage local and regional media publicity
  - ix. Advocate for legislation and policy changes
  - x. Hold listserves and create a key list of all the connections—to disseminate information and events
- b. Fund exchange tours/programs: “learning highways”—opportunities for RJ practitioners from different regions / “hubs” to connect to learn from each other.
- c. Resource media and messaging projects. “We need to tell better stories” for the broader culture to understand restorative justice and for us to grow as a movement.
- d. Fund research, monitoring and evaluation projects that “measure the movement.”

## 2. Creation of a Restorative Justice Fund:

- a. Encourage foundations and private donors to give to a Restorative Justice Fund (the Fund) that supports innovative bottom-up justice practices and community-based restorative justice practices. This is because most restorative justice work is localized, and many organizations are working from small budgets.
- b. The Fund would resource a social movement which is largely localized, community driven, and decentralized.
- c. The Fund provides a way for funders to be sure they are contributing to authentic, community-led, restorative justice initiatives. An advisory circle comprised of seasoned RJ practitioners, advocates, and donors from across the nation who represent various sectors of restorative justice will determine to whom to award grants.
- d. The Fund would help to get off the ground new and innovative intersections of restorative justice practice and its applications.
- e. The Fund would ensure that funding of grassroots and bigger organizations is done in an equitable way.
- f. The Fund would work in tandem with national networks and regional hubs.

## Recommendation #3

### **Support the full integration of social justice values—anti-oppression and specifically anti-racism—into the Restorative Justice Movement.**

- a. Support anti-oppression work as a critical strategy for the restorative justice movement itself. In particular, anti-racism must be a core strategy for restorative justice work.
- b. Support regional restorative justice communities to do racial justice and anti-oppression work internal to their community.
- c. Support processes that ensure that directly impacted people have a seat at the table, and are given more opportunity to offer solutions and lead.

- d. Support programs that assist facilitators to continue to do their own work, to *walk their talk*, to learn their positionality, to be self-reflective about their practice, and to do work around anti-oppression. This is critical to being more skilled in cross-racial and cross-oppression issues.
- e. Support programs where white restorative justice facilitators work with other white facilitators (and communities) to understand oppression. An understanding of structural oppression is a qualification for working in any community outside of one's own (or even in one's own).
- f. Champion truth-telling and reconciliation processes as restorative responses to historical harms across North America and beyond.

## Recommendation #4

### Support quality trainings and maintain the integrity of practices in restorative justice.

We recognize the tension in the restorative justice movement around scaling up too quickly—which is resulting in poorly trained practitioners, and the threat of co-optation by well-meaning professionals who still operate within a punitive system. Quality trainings and support for practice need to be a priority.

#### 1. Trainings

- a. Training should be “higher profile, easier to access and subsidized.” Subsidize and resource high quality trainings from diverse regions to scale up RJ practitioners. Trainers must have internalized restorative justice values as a paradigm shift and not a “quick fix”.
- b. Trainings should be offered in diverse locations—rural, urban and indigenous. Recognize the importance of local trainers from the community as well as people with national expertise to offer trainings.
- c. Resist over-professionalization of restorative justice in alignment with internalizing social justice values: certification often keeps out communities of color and directly impacted people, and it can discount community wisdom and access.

#### 2. Practice and Facilitation Development

- a. There needs to be a re-evaluation of how we think about practitioner and facilitator wisdom that makes community wisdom and directly impacted wisdom as important as technical skills and experience in the field. The following *Pillars of Wisdom* to make strong practitioners are offered as a starting point.

*Pillars of Wisdom* include:

- i. *Experience and Skill Wisdom* - having years of experience facilitating and have developed skills through time and practice.
- ii. *Community Wisdom* - by coming from the community in which you work and practice restorative justice you know the ins and outs, history and feeling of that community. This kind of wisdom cannot be replaced.
- iii. *Directly Impacted Wisdom* - The wisdom of being someone who has caused the same harm or survived a similar harm.
- iv. *Aptitude Wisdom* - Some people have a knack for facilitation. An innate-relational ability, an intuitive sense of how to be with people, listen, hold nonjudgmental space.

- b. Practitioners need on-going learning communities to engage with each other, and to grow, and to remember the heart of the work.
- c. Support local communities or regional bodies that are developing their own overarching practice standards, values and principles. These practice standards should be arrived at through a consensual or participatory process and they should fit the context of the community where they are being applied.
- d. Support platforms for the restorative justice community to continuously engage other partners (outside stakeholders) in understanding their values and building relationship.

### 3. Support 'Whole School' Restorative Justice Approaches

Restorative Justice approaches in education—K-12 and university level—should be aimed at transformative change for students, teachers and parents, and administrators, education boards, police and the community at-large.

- a. Education and professional development would put most emphasis on the first bullet, then move downwards:
  - i. Schools, community, family, church, other NGOs, and other informal institutions of social control
  - ii. Police, victim services, criminal justice system (pre and post adjudication)
  - iii. Corrections (federal, state, and provincial)
- b. Invest in teacher leaders and facilitators—the people that really get the work done—rather than organizations and institutions only. Support RJ practitioners doing culture shifting of institutional actors.
- c. Determine the focal point to be exposure to restorative justice at an early age in childhood development and education.

## Recommendation #5

### Support sustainable funding and resource allocations that maximize impact and involve long-term program / project design, implementation monitoring, and evaluation plans (5-10 years).

There is a clear call for funders to be better educated and informed about restorative justice, for funders to be willing to walk into equitable partnerships with those communities being funded, and for funders to be creative and flexible in the search for new, responsive and flexible structures for channeling resources in the future.

#### 1. Regarding Long Term Sustainable Funding

- a. Keep the administrative burden light, provide as long term funding as possible (5-10 years). Reporting and other criteria should be kept at a minimum. Ask only for reporting that's required for the funder.
- b. Support funding models that bypass the “middleman” and that encourage direct relationship and communication building between funders and the communities being funded. Communities must feel empowered to tell the funders what they need, not the other way around.
- c. Offer living salaries and benefits (not just stipends) to maintain integrity of RJ practitioners and their important program work.
- d. Support the need to access public funds—organizing around public monies so that people have a leverage and political voice in the use of federal, state and city /county budget line items.
- e. Address critical social issues like racial inequality in funding.
- f. Support public campaigns that assist people to understand the economic benefits of restorative justice.
- g. Educate funders on the power of restorative justice and its multiple applications.

#### 2. Regarding Partnerships and Collaboration

- a. Make connections with organizations and groups that have like-minded goals so that collaboration on grants and funding sources is maximized.
- b. Community organizations should partner with each other and create RFP (Request for Proposal) expectations in conversation with the funders.
- c. Funders that want to be involved in restorative justice should make themselves known and coordinate their efforts.

#### 3. Technical Assistance

- a. Provide access to expert grant writers and supply funding for those grant writers.
- b. Develop a self-evaluation tool for programs that identifies where they are with their restorative justice work.

# HISTORY & BACKGROUND

*Note: This section is an incomplete offering on the history and background of the RJ movement, and is mostly based in the scholarship of the Zehr Institute. It is presented here in full understanding that those with different positionalities and perspectives in the movement may differ on its history. A more complete picture of the history of the restorative justice movement must be a collective one.*

## Where have we come from?

The **Restorative Justice Listening Project** (which will be described in detail in the subsequent sections of this report) was envisioned and birthed on the heels of a 3-year project cycle that the Zehr Institute embarked on with the generous support of the Porticus Foundation. The express aim of this 3-year project was to impact the field of restorative justice by putting the Zehr Institute's energies into framing and building a social movement. To this end, the overall 3-year project goals were:

- To facilitate dialogue between and with diverse restorative justice communities and related social movements
- To influence the evolution of the restorative justice field as a social justice movement
- To give exposure to new, innovative restorative justice approaches, applications and practices

The yearly activities and outcomes of this three-year funding cycle were/are as follows:

Year:	Event:	Activity:	Products:
2015	Facilitated Consultation of 36 select thought leaders: <b>Restorative Justice: The Next Generation</b>	Utilizing a process called "Transformative Scenario Building" (Kahane, 2012) we together grappled with four probable scenarios describing the maximum/minimum impact, and maximum/minimum coherence of the restorative justice field and its progression into the future.	Summary and Evaluative Reports available
2016	Hosted a public conference attended by 170 participants and entitled: <b>RJ in Motion: Building a Movement</b>	Expanded on the previous consultation and convened a cross-section of practitioners, activists, organizers and academics to further reflect and deliberate on the process of describing, framing and sustaining a restorative justice movement.	Evaluative Report available
2017	Engaged in a content creation process to get the message out to a larger audience through the publication of an anthology	This edited volume brings together 12 different author voices that represent the diversity of the movement and its various applications in the US and beyond.	Concept proposal available - Anthology to be published by 2018

## Defining the issues - restorative justice as a social service, paradigm shift, or a social movement?

Restorative justice in the North American and Western paradigm, in its origins, was primarily conceived of as a **social service** — a legal diversion process aimed at transforming individuals entangled in the criminal justice system, and with the possible by-product of change within families and communities too. The reasons for this perception of restorative justice as purely a social service are many—the singular focus on improving practice and its application, little theorizing and research undertaken at the time, and its marginal status in the mainstream of the criminal legal system and society at large. For example, in the early decades, RJ meetings between crime offenders and victims were focused on misdemeanor criminal offenses and primarily valued as a more effective mechanism to gather restitution than court-ordered fines, as opposed to restorative justice processes being seen as setting a framework for changing social narratives and building stronger communities in order to transform structures.

For another example, in the early decades, restorative justice in schools primarily focused on using a particular practice as one of a number of approaches to choose from in response to student discipline or misconduct issues, as opposed to being seen as setting a framework for changing whole school systems, policies, pedagogy, and interrupting the school to prison pipeline. There remains a significant number of professionals in the field who would hold to the definition of restorative justice as one more technical skill-set on the menu of multiple social service options and as such *limiting the focus of restorative justice to interpersonal transformation as the main outcome*.

With the publication of *Changing Lenses* (Zehr, 1990), a seminal work on the theory of restorative justice, the idea of a “**paradigm shift**” (Thomas Kuhn, *The Structure of Scientific Revolutions*, 1962) was introduced into the field. Zehr and other key leaders in the field began to conceive of restorative justice practice as having the full potential in its theoretical underpinnings, values, principles and practices to evoke an institutional transformation of how the criminal justice system responds to harms. However, at the time the Kuhnian concept of a paradigm shift was locked in a modernist worldview that understood change as a linear, mechanical process of developing a logical “blueprint” that methodically detailed the transplanting of one entire linear system by another completely different linear system. Such a change process would universally and cataclysmically discard the criminal legal system. The consequences of this idea resulted in a deep polarization within the restorative justice field between those who believed that change could only happen from inside the system (reformers) and those who believed that change could only happen from outside the system (revolutionaries).

Today, RJ reformers concentrate their efforts on new legislation that enables restorative justice to be practiced in the criminal legal system more effectively and efficiently, and/or they may put their energies into changing legal policies and procedures to be more “restorative” in nature, such as programs that tout “restorative prisons” or “restorative courts.” Revolutionaries on the other hand focus their efforts on providing complete alternative justice processes that are not dependent on the criminal legal system for sustenance. Current examples include urban restorative justice youth projects that refuse to take any referrals or funds from the courts, or which set up police-free zones for youth to settle their own conflicts without any interference from the state justice authorities. As a result, anyone on this reformist-revolutionary continuum may see others as “sell-outs” (betrayers of the cause).

In the last decade, another iteration has occurred whereupon restorative justice has evolved into a **social movement** in the US recognizable by the populist momentum that is giving meaning to it as a frame for social change and cohesion. There has been a recent explosion of new research, theory publications, and practice applications coupled with the voices of communities that were previously marginalized now entering the conversation with power and clarity. The restorative justice movement embodies a relational justice lifestyle that invites people to live-right, do-right and make-right through human connection and community for the sake of the “common good.” And, the restorative justice movement now reaches far beyond the conventional criminal legal system with new applications being made in all sectors of society including family, education (Ginwright, 2016), community, religion, business, governance, media and in the expressions of arts/culture. *The focus of the restorative justice movement is to hold in tension both interpersonal and institutional change while at the same time moving towards a cultural shift or societal transformation of how justice is understood and practiced for the future.* This vision proffers a form of justice that refuses to be configured around punishment and state-sanctioned violence as a means for social change. Instead it embraces a future view that requires justice to be socially constructed in relationships defined by accountability, reparations and healing.

Amidst this evolution, a growing set of voices like Dr. Fania Davis and Dr. Scharar (2017) have been evoking restorative justice as a social justice movement—a transformative force that addresses healing and accountability at the personal and the structural levels of society, and not only as applied in the present reality of injustices, but also in dealing with the legacies and aftermaths that have transpired as a result of historical harms (Hooker, 2016). The intent is to integrate social justice and anti-oppression values at every level of restorative justice from its values, to theory, design, and practice. It includes a wide range of interventions from factoring in the impact of oppression as a causative factor of interpersonal harm, to truth and reconciliation processes for racial justice at the structural level, to centering indigenous paradigms of peacemaking and community approaches to wrong-doing that precede the Western conception of restorative justice.

Going further, there are a growing number of voices that now acknowledge that there are two roots to restorative justice –indigenous and western—and as restorative justice fully embodies its social justice values, both of these roots need to be named and explored.

Many indigenous communities don't use the term restorative justice, but they've been doing their variation of it for centuries before the West created a word for it. In the indigenous paradigms of peacemaking (of which there are many), justice is embedded in a holistic worldview. In a holistic worldview we don't separate things—meaning peacemaking and circle are embedded in a way of life and the outcome of justice is deeply tied to *healing* and restoring balance to oneself, one's relationships, and nature. Therefore, the notion that there is some practice or tool called "restorative justice" that stands apart from *a way of being and living together* is not accurate and not a commonly used term.

In our current reality, restorative justice is being lived as all of the above—a social service, a paradigm shift, a social movement, a social justice movement and a holistic way of life. Some treat restorative justice as a tool to address interpersonal harm that is not embedded in a structural and historical analysis of inequity. At the same time, there is a growing momentum to live restorative justice as a social justice movement.

## What have we learned from other Criminal Justice Reform movements?

Studying restorative justice in light of penal reform movements in US history can be quite illuminating. Dr. Dana Greene (2003 & 2013) conducted a groundbreaking research study comparing restorative justice with three major reform efforts in the US: the penitentiary, adult reformatory and parole reform movements. What she discovered was startling. Each of these reform impulses when compared with restorative justice, carried a similarity in the sense of urgency, well-articulated vision, populist language, and commonly designed project/program ideas to test their innovations. However, each of these major movements, unlike restorative justice, unwittingly became an extension of the current criminal legal system and its expansion of social control within a decade of their emergence.

Why? According to Greene, there are two distinctions that have kept restorative justice from being totally co-opted by the system. Firstly, restorative justice has brought in the voice of the victim-survivor (harmed) communities, whereas the other three movements focused almost exclusively on the crime offender only. Secondly, all three of these other movements were translated into broad-based, comprehensive legislation at a national level within a 10-year period of their inception, whereas restorative justice has not been legislated at a national level and therefore has been able to retain its autonomy and innovative expression albeit on the marginal edge. The centrality of the victim-survivor's voice and the lack of uniform, national legislation are two differences that have allowed restorative justice to emerge as a social movement as opposed to being incorporated into the dominant criminal legal system. As the movement grows it would behoove it to hold onto these distinctive elements.

## How do we grow and nurture the restorative justice movement?

### 1. Drawing from Social Movement Theory

Generally, social movement theory points to a number of critical factors that drive successful social movements—these revolve around the following elements: the readiness to seize political opportunity, the ability to mobilize both human and material resources, and creating a framing message (a social narrative) with populist appeal. Based on these three pillars of measurement it seems that restorative justice could be defined as a burgeoning social movement.

- a. **Political Opportunity**—The USA, and indeed the world, are in a convulsive political moment in history. The status quo institutions of the modern nation-state such as justice, education, economics, and governance are being contested and deconstructed at the core. Competing movements with deep strains of anti-establishment rhetoric (whether from right or left political positions) are calling for radical change. The restorative justice movement and its call to reconfigure our perceptions, relationships and structures of criminal, social and cultural justice is stepping into this gap with particular relevancy.

- b. **Resource Mobilization**—For the first time, prominent justice donors are asking questions about long-term resourcing and the systemic impacts of their funding. The restorative justice field is experiencing more theorizing, research and legislative policy development across a broad swath of professional disciplines and sectors of practice than at any other time in history.
- c. **Framing Message with Populist Appeal**—Never before have we seen such a keen interest in restorative justice coming from practitioners, educators, politicians, activists, community organizers, the media and religious leaders. New applications and the accompanying social narrative discourse are being constructed for whole-schools change, dealing with trauma, nonviolent mobilization, community development, environmental policy and war-to-peace transitions.

All of the above descriptors point us in the direction of a “critical mass” or “tipping point” moment in time (Gladwell, 2002) where a comprehensive cultural shift is likely to occur. Social transformation at this scale requires that we make a systemic diagnosis of the situation and its context, that we develop social capital networks and structures to enable the continual flow of “feedback loops” for reflective practice, and that we find personal identification and passion for the work to progress unhindered in the future. The new sciences on emergent adaptive systems (EAS) are helping us understand the dynamics of social movements. Dr. Glenda Eoyang and her work with Human Systems Dynamics (HSD) advises all who are looking to undergo, guide and/or channel effective systems transformation to consider three pivotal elements in the process of change:

- Reflect on, question and change the **Containers** (cultural and structural) that hold the system
- Reflect on, question and change the perceived **Differences** that are being defined and reinforced in the system
- Reflect on, question and change the **Exchanges** (tangible and intangible reciprocities) that are embedded and taken for granted in the system

## 2. Embodying Social Justice Values

In order for restorative justice to become an authentic, vibrant social justice movement here are at least six distinctive characteristics that need to be embodied:

- a. Integrating the populations most affected by injustice (the harmed and the harm-doers, family connections and community networks) and centering their experiences and wisdom.
- b. Resisting widespread, “quick-fix” and/or politically compromised legislation that can often drive institutional co-option and forced uniformity.
- c. Centering and engaging racial and ethnic injustice and healing historical colonial harms in this country and across the world.
- d. Determining to make application to transforming personal, social and structural violence and all intersecting relationships that make up the web of human justice.
- e. Committing to de-institutionalization, de-centralized organizational structure and “bottom-up” justice expressions and processes.
- f. Exemplifying shared and emancipatory leadership models and functions.

Holding all these important elements together in tandem with each other will be essential if restorative justice is to transform into a genuine social justice movement and remain durable and sustainable for the long-term future.

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# METHODS & DEMOGRAPHICS

This section will give an overview of the site selection process, the listening session sites, and the methods used for generating dialogue and obtaining informed recommendations. The supplemental information for this section can be found in the appendices along with a list of all participants and their respective organizations.

## Site Selection

The Zehr Institute's organizing team had approximately two months to design and facilitate an inclusive listening project reaching as many restorative justice "hubs" as possible, making efficient use of participants' time, creating an impactful experience for all involved, and meeting the needs of the stakeholders who provided funding for this timely project. The organizing team selected sites based on known hubs of restorative justice activity (considering the type, quantity, and history of restorative justice in various localities) as well as the team's ability to identify and recruit a local host/co-facilitator who had the capacity to fulfill that role. The sites selected were Minnesota, Maryland, British Columbia, the Bay Area of California, and the Navajo Nation (New Mexico).

The sixth and final session, hosted in Harrisonburg, VA, was not a listening session but rather a working group meeting; a gathering of practitioners and thought-leaders who reviewed the content from the listening sessions to begin the work of shaping recommendations. Each local co-facilitator was present at the final working group meeting. This provided a cross-section of those who participated in listening sessions and those who could bring a voice from other regions and/or sectors that were not able to be included in the five listening sessions.



**Site One:** St. Paul, MN

Local co-facilitator: Sarah King, Zehr Institute for Restorative Justice

Date: February 25th, 2017

Attendees: 22

Years of experience: 275+



**Site Two:** Baltimore, MD

Local co-facilitator: Lauren Abramson, Community Conferencing Center

Date: February 27th, 2017

Attendees: 19

Years of experience: 116+



**Site Three:** Vancouver, BC

Local co-facilitator: Catherine Bargaen, Ministry of Public Safety and Solicitor General

Date: March 17th, 2017

Attendees: 30

Years of experience: 296+



**Site Four:** Bay Area, CA

Local co-facilitator: Ashlee George, Impact Justice

Date: March 22nd, 2017

Attendees: 28

Years of experience: 132+



**Site Five:** Navajo Nation, Crownpoint, NM  
 Local co-facilitator: Chief Justice Emeritus Robert Yazzie, Navajo Technical University  
 Date: March 31st, 2017  
 Attendees: 30  
 Years of experience: 200+



**Site Six: National Working Group Meeting,** Harrisonburg, VA.  
 Co-facilitators: Sonya Shah, Carl Stauffer, Sarah King  
 Date: April 6-8  
 Attendees: 17

### Facilitation

Sonya Shah served as lead facilitator for all sites and was paired with a local co-facilitator who acted as host for the listening sessions. The local co-facilitators were Sarah King in Minnesota, Lauren Abramson in Virginia, Catherine Borgen in British Columbia, Ashlee George in the Bay Area, and Justice Robert Yazzie in New Mexico. The listening sessions were each approximately eight hours long and designed as a convening, consisting of facilitated dialogue in a large group circle and small group breakout sessions. Each co-facilitator had an opportunity to adapt the facilitation to their location. The general facilitation outline is Appendix #1.

### Survey

In addition to the facilitated dialogue, a survey was disseminated at each site and completed by participants during the session. It was designed so that participants could speak specifically about the work that they do as individuals and/or organizations, the opportunities and barriers they face, and their funding cycles. This information served to augment the general information gathered during the dialogical facilitation. The overall response rate was 77% and the survey template is Appendix #2.

The information provided on the following page highlights the major learnings from the survey. The findings provided are a compilation of all responses collected. Please note: each participant had approximately 10-15 minutes to complete the survey; not all surveys were returned and/or completed.



Large group:  
 Circle process +  
 community  
 building

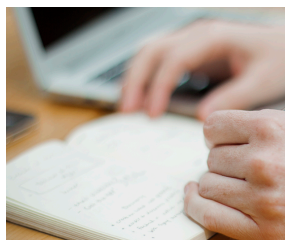


Small group  
 breakouts:  
 Strengths  
 Barriers  
 Connectors  
 Dividers

Small group  
 breakouts:  
 Sustainable funding  
 Coalition-building  
 Movement-building  
 Other



Participant  
 survey  
 77% response rate



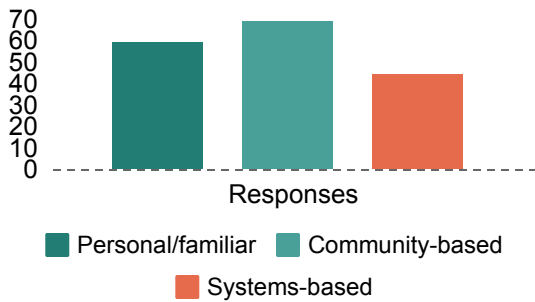
## Survey - Mapping: Restorative justice programs and practices

This portion of the survey was used to better understand who is doing what, where, and with whom. We were trying to identify the spectrum of work that is being done, the intersecting disciplines, and the networks that could either be created or built upon to strengthen the work being done.

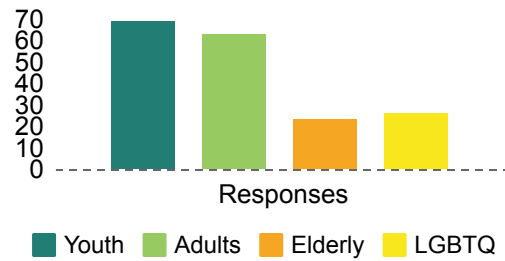
**Prompt:** Please circle all of the words that describe the restorative justice practice(s)/program(s) you're involved with:

<b>Positional level:</b>	<b>Specific locations:</b>	<b>Specific topics:</b>	<b>Intersecting disciplines:</b>
Personal/familial	K-12 schools	Workplace conflict	Funding
Community-based	Universities	Racial justice	Public policy
Systems-based	Criminal legal system	Environmental justice	Academia
	Law enforcement	Social justice	Social work
<b>Specific groups:</b>	Diversion (any form)	Culturally-specific	Arts/culture
Youth	Courts	Historical harms	Community organizing
Adults	Corrections	Trauma-healing	
Elderly	Re-entry	Sexual violence	
LGBTQ+		Domestic violence	

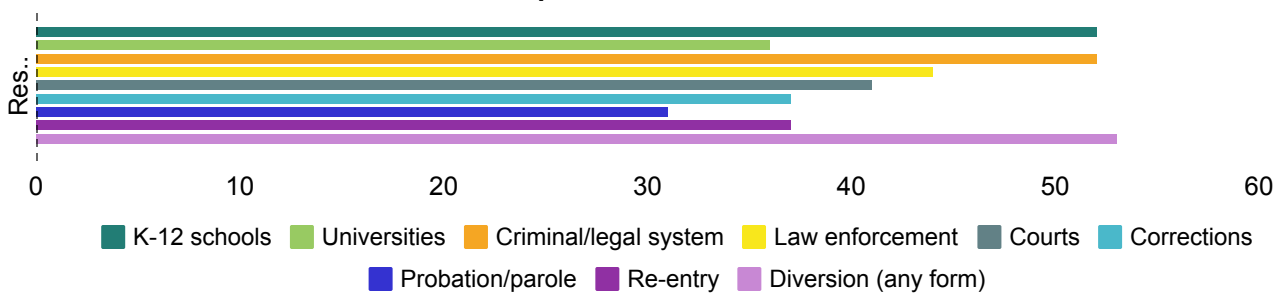
### Positional level



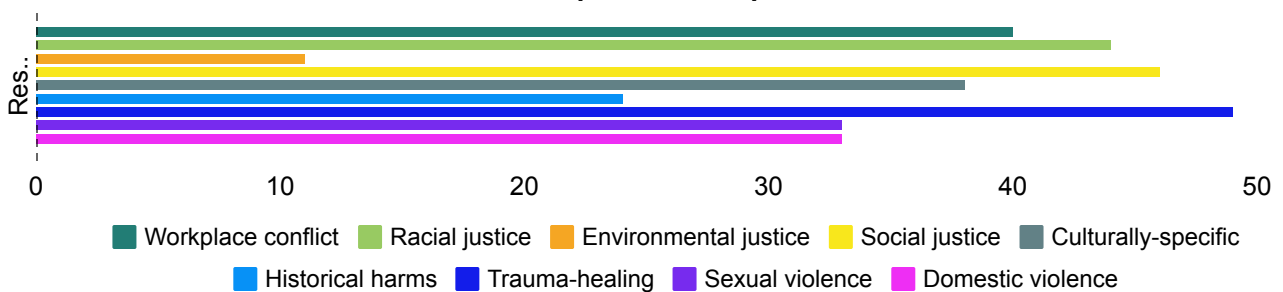
### Specific groups



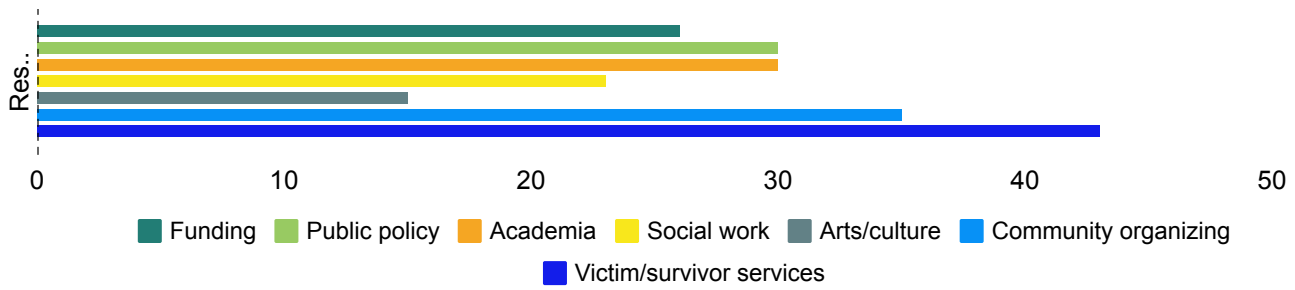
### Specific locations



### Specific topic



## Intersecting disciplines

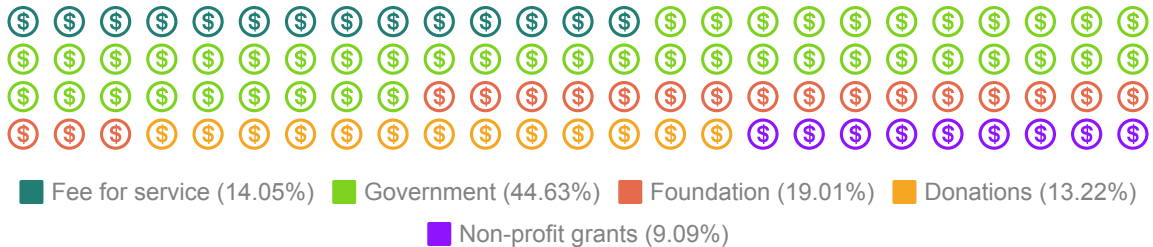


In summary, the majority of participants were operating at a community-based level. Youth are the most served group and adults are a close second. Most of the work is being done in K-12 schools, the criminal legal system, and school-based or criminal-legal-based diversion programs. Trauma-healing, social justice, and racial justice were the top three topics specifically dealt with in these practices. The victim/survivor services field had the highest rate of professional intersection.

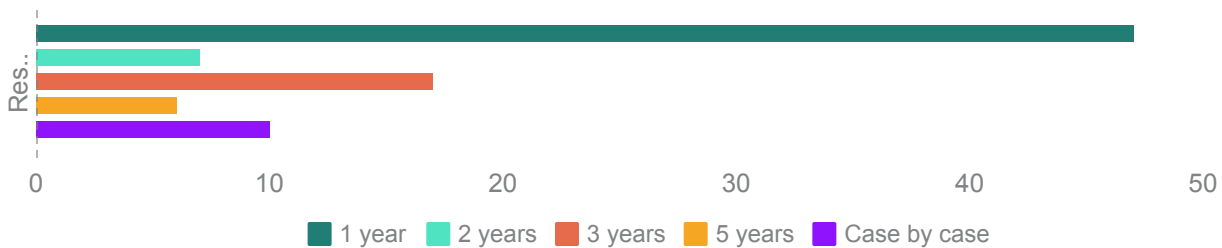
While the results of this portion of the survey were not surprising, they did serve to affirm what is generally considered to be the most typical work being done within restorative justice. Also, it served to highlight a few gaps; as an example, as the sociopolitical landscape continues to evolve, we may see more attention being given to how restorative justice could more thoughtfully intersect with the topics of historical harms and/or environmental justice.

The other survey section to be highlighted concerns funding. This section focused on two prompts:

### 1. What are your main sources of funding?



### 2. What is the average cycle of your funding?



It should be noted that the government is the main source of funding in British Columbia, thus, these findings may be skewed from the norm within the U.S. The average cycle of funding, by overwhelming majority, is that of one year. There was written and verbal frustration expressed at how difficult a short funding cycle is to work with. This data supports the recommendation of shifting funding cycles from short-term to longer-term (5-10 years) periods, thus giving programs an opportunity to develop consistent and responsive programming, meaningful monitoring and evaluation mechanisms, and a sense of organizational security for staff and volunteers to build upon.

As previously mentioned, the facilitation template can be found as Appendix #1 and the survey template as Appendix #2.

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# WHAT WE HEARD

## Capturing the Trends in the Listening Sessions

The following trends capture the major themes that emerged from the five listening sessions and the working group convening. They do not capture the full wealth of knowledge that was shared by the 130 participants. They capture some of the more important and potent sentiments expressed at the sessions.

### 1. Indigenous Paradigms of Restorative Justice

Thirty indigenous participants attended two different listening sessions. Thirty men and women (26 of them indigenous) gathered at Navajo Technical University in New Mexico. In attendance were peacemakers, advocates, educators, students, advocates from the human rights commission, a judge, community members, a medicine man, lawyers that included the chief prosecutor of the Navajo Nation, and grassroots organizations. Four aboriginal women came from three different indigenous communities in British Columbia and shared their experiences of how restorative justice and holistic healing work within an indigenous paradigm in their communities. Their presence was vital to the convening and reflected the holistic paradigm in which they live.

#### A. Healing and Justice in a Holistic Worldview

Many indigenous communities don't use the term restorative justice, but have been doing their variation of it for centuries before the West created a new term for it. In indigenous paradigms, justice is embedded in a holistic worldview. In a holistic world view things aren't separated—meaning peacemaking and circle are embedded in a way of life and the *outcome of justice is tied to healing* and restoring balance to oneself, one's relationships and nature.

The four aboriginal participants in British Columbia's listening session came with a strong message that their *justice outcome is holistic healing within an indigenous paradigm*—justice and healing are deeply linked. This was best highlighted by Faith Tait from the Nisga'a Nation of 7000 people who said, "We don't have a word for 'offender' in our language, the word we use means 'un-healed.'" A few participants in the closing circle said that this statement shifted their paradigm on restorative justice. Claire Whelan Sadike from the British Columbia Public Safety Ministry said, "This frame would change the way everyone thinks about that person (the person who has harmed). That is its ultimate over-arching goal, to be about justice, repairing harm and healing people versus punishing and destroying them."

In relation to RJ practitioners and peacemakers walking their talk, Faith Tait said, "We have to start with our own self-awareness, which then shapes our health and wellness. We have to understand our own layers of trauma and do our own work. If an unhealed person is facilitating, what are they passing on? You cannot reach out and be a connector if you are not in connection to yourself. Everything has to be reflected restoratively, from the way I talk to people to my environment and office has to show it. Otherwise people won't feel it."

To elaborate on the impact of healing beyond the person who has harmed to everyone involved, Judge Carol Perry of the Navajo Nation described how it is when, "you work to repair yourself and everyone is assisting you with that, whether it's the cook who is making fry bread with you or the person helping you to wash your car. Because by assisting you they get better too." She went on to explain how Westerners stuck in the good-bad dichotomy do not understand the fluidity of healing for everyone involved.

In the Western paradigm, our assumptions are based on separation between "the person who was harmed" and "the person who harmed," or victim and offender, and we do not see relationships at the center of all justice and healing. Although Westerners often know it cognitively, it is difficult for people to internalize and live it in a way that healing and justice are interdependent and relational.

Mary Brown of the Heiltsuk Nation offered a practical application of justice as healing within a holistic worldview. She said that their restorative justice center is the central hub of their town of 1600. When a person in their community commits a wrong doing, they stay in a cabin in the woods for a period from one to nine months. Once a week mentors come to visit them in order to help them understand the harm they caused. She told a story of a young man spending 9 months in that cabin and then returning to the village and knocking on the doors of the 70 people he harmed, from the first person at whom he'd thrown a stone. She explained that since it's a town of 1600 and everybody knows each other and the harm done, that there's something essential for the person who has harmed having some period of separation. They are not alone, but in the company of all the plants and animals of the woods. The separation is holistic and natural and with mentorship it creates healing and then the outcome of justice. In addition, she described different phases a person goes through to reach accountability: "First they are afraid, then angry, then there is acceptance" in the natural healing process. Healing happens in both relationship to people and to nature.

Joanne Jefferson of the Stolo Nation added to the notion of healing as the justice outcome as compared to the West, "We don't all agree on the outcome of restorative justice. First Nations people want holistic healing. Other people [she was referring to the Western paradigm of restorative justice] want restitution. So, we have different outcomes. First Nations people are looking to heal versus, 'you broke a window, and have to repair the harm.' Also, there are structural issues, if a victim says, 'We want \$500 for breaking a window', that is not realistic if the person who broke it is living in poverty." She emphasized the role of elders in the healing process.

Elaine Henderson, a peacemaker in the Navajo Nation listening session, pointed out the importance of elders in the healing process. Elders heal others and in particular the younger generation, and yet many elders have not been given the opportunity to process traumatic wounds, so they cannot participate in others' healing process. She emphasized the need to focus on elders as well as the younger generation. "There is a lot of trauma among the older generation and they have stopped teaching and they have stopped taking the role as elder to teach, so doing peacemaking work we must do a lot of healing for them. Not only the younger generation also the older generation. The younger generation has nowhere to look but to the older generation. The younger generation needs to get their teaching from elders, but elders have too much trauma, so we have to work with elders."

## B. Cultural Revival, Colonization, and Peacemaking/Restorative Justice

In the Navajo Nation listening session, participants spoke deeply about the impact of genocide and colonization on the Navajo people. The Navajo Nation participants agreed that the Fundamental Law of the Diné (Navajo thinking) needs to be infused in every aspect of Navajo life from coloring books to the law school and that colonization has created major disruption to knowing the Fundamental Law of the Diné. Roger Begay, a peacemaker, said peacemaking is embedded in them from the beginning in the creation stories. Circle and peacemaking are embedded in Fundamental Law of the Diné.

Gertrude Lee, Chief Prosecutor of the Navajo Nation said, "It seems like peacemaking should come in early, go outside the court and go into schools and a permanent active program, because there are so many people who don't have this background. Their background is coming from cell phones, TV and music and they are not learning this, it is not something that grounds them as a person. So just sticking peacemaking in the court system is just a Band-Aid. We need to get in there ahead of time. Young people are hungry for it."

Melissa Jackson, a Navajo Technical University (NTU) law student expressed her personal experiences, "I don't think that people really look at how much the treaty [of 1868] pulled the rug from under us. We don't even have coloring books that tell us about the Fundamental Law of the Diné. You have to teach us like we are 5 year olds." Melissa went on to share how circle transformed her, "I've been at NTU for 3½ years. I was considered the white girl, I don't speak Navajo. I was a straight A student. I used to sit in Justice Yazzie's class and he'd draw the circle and I didn't get it. I'd just say I didn't get it, I didn't get it. Then one day I started to understand it. Once I really understood fundamental law it changed my life forever, and I take it to my beadwork and everything I do. The circle saved my life when my sister died, it was the only thing that got me through. I realize that it's not something you just do but it's something that you become inside of yourself, and all your experiences."

In British Columbia, aboriginal justice is a big area of consideration given the genocide of First Nations people. Participants expressed that they felt like the Canadian government has put in place a strong bottom up funding strategy in which dozens of aboriginal communities receive government funding and determine their strategies with little government intervention. They also embarked on a multi-year truth and reconciliation process around boarding schools that completed in 2014. More information can be found here: <http://www.trc.ca/websites/trcinstitution/index.php?p=3>

Many in British Columbia said that the recent Canadian Truth and Reconciliation Commission (TRC) process was an important first step in acknowledging the harm, but that it didn't go far enough. For example, in the TRC process, most survivors were given monetary reparations instead of being asked what they need. Faith Tait expressed the need for community healing and wellness because, "if you give someone a big sum of money in the midst of their trauma and addiction, what do you think will happen?" It was clear that this discussion was just the tip of the iceberg, and that we could have spent much more time in the listening session reflecting on the recent Truth and Reconciliation Commission process.

### C. Navajo Peacemaking

#### ***What is peacemaking?***

Peacemaking is the traditional Navajo way of addressing harm and resolving conflict. As one of the peacemakers, Thomas, explained, "Peacemaking can be problem solving, conflict resolution or dispute resolution; it can be before, during, or after a conflict." Peacemaking is steeped in Navajo thinking. There is a philosophy, with strategies and practices, that peacemakers learn to facilitate these conflicts that are based in the Navajo worldview based on their traditions, beliefs, customs, stories, and songs. Peacemaking is happening as referrals from courts, in schools and for individual family members.

#### ***Peacemaking, kinship and reducing recidivism***

Many stories were told in the listening session about how naming kinship and clanship and knowing one's history reduces recidivism.

Elaine Henderson, a peacemaker, works with repeat offenders who are referred to her by the Navajo courts. When she first meets them, she said, they spend a lot of time naming their kin, and figuring out their relationships to others in the community. "Once people know their place in the social structure, they feel some social responsibility and once they know that, it reduces recidivism."

TJ Holgate told a story about a man who kept coming back to him and he had been to, "a million different rehab centers." His mother was a traditional woman who was at home in Shiprock, New Mexico. TJ said to him, "I'm not going to send you to rehab. I am going to send you home. Stay at home with your mother for 60 days, don't come out. Just stay there in your home." So, he went back and learned a lot of things from his mother, and he came back to TJ and said, "I like it out there. I am learning things." TJ asked him, "Are you drinking?" The man said, "No." TJ said, "So let's schedule another 60 days at home." So, the man stayed 60 more days at home with his mother. "What he learned from traditional concepts allowed him to move away from the system that he had become a part of. Before, he learned and thought that rehab and going to jail was the way out. But no, it wasn't the way out, it was learning about who he was as a Diné and concepts of relationship that made him not recidivate."

Marci Eriacho, a court clerk for Judge Perry, expressed similar sentiments: "I worked with Judge Perry before. Once we had a young kid raised in a Christian home and getting into trouble and Judge Perry started talking about traditional things, the twin story and the guy was 16 and he started crying. As a court clerk, I knew that this was the moment that Judge Perry had touched him internally, and I got everyone out of the courtroom so just Judge Perry and the dad could have time with the kid."

**"We don't have a word for 'offender' in our language,  
the word we use means 'un-healed!'"**

*Faith Tait, Nisga'a Nation*

### **Peacemaking: growth, barriers, vision for the future**

There was a lot of discussion in the listening session about the peacemaking program in the Navajo Nation, where it is, how it can grow, barriers and visions for the future.

Currently, there is an established peacemaking program which is a part of the Navajo court system. The link is here: <http://www.navajocourts.org/indexpeacemaking.htm>. In this program, peacemakers get referrals from prosecutors and judges of cases that they believe can be solved through peacemaking.

It was expressed that the courts right now have more openness to integrate the Navajo peacemaking way. At the same time, there was a strong feeling in the listening session that peacemaking should exist independently and on its own. Roman Bitsuie, a peacemaker, asked, "How can we separate the peacemaking program from the court system and western laws?" There was aspiration that one day the Navajo can replace western law with traditional peacemaking structures altogether. Three concrete ideas surfaced at the listening session:

- Justice Yazzie aspires to create a Navajo Law Institute at the Navajo Technical University. The goal is to shift the Navajo legal system from the adversarial Anglo-American legal modes that have been imposed on it, to a fully Navajo restorative justice system steeped in traditional customs and principles. A key strategy would be to start an **apprenticeship program for lawyers**. The law students would apply the framework of traditional Diné philosophy and practice. They will work with Navajo communities using the Navajo paradigm to think through issues and solve problems in a traditional Diné manner even while fully understanding the procedures of Anglo-American law.
- Elaine Henderson suggested creating a **Peacemaking Institute** that would be housed at NTU. Henderson gave some examples of the structural barriers that currently exist that make it difficult to grow peacemaking:
  1. They cannot get their peacemakers to consistently pass background checks to work in the schools.
  2. The process for appointing peacemakers does not adequately take into account individuals' peacemaking abilities. A peacekeeping institute nested in an established institution like NTU could help overcome these types of structural barriers.
- A breakout group of seven people came up with the following recommendation to **increase operational support for peacemaking**: "The general consensus we reached is that first you look where peacemaking is, it is in the court system. In order to enhance peacemaking, we should utilize those institutions that already exist, and then focus on the schools and the chapters and then how do you reach into the school system and the need for more support in general, not just financial support but leaders, school boards, etcetera. Community schools are more receptive to bringing in cultural teachings and some understanding of restorative justice or peacemaking than the public school system."

As noted, peacemaking exists in its own right outside of the court structure. Peacemaking is big in the schools. Thomas Walker spoke of the, "STAR school students [who] are 98% Navajo and the school is based on Navajo values. We are intentionally a peacemaking school.... Our peacemaking program has a zero budget, but we just do it. We go above and beyond. We are delighted when people come to school and address us by 'uncle' or 'cousin'. Often when there is conflict on the school yard and we step in and say, 'wait a minute aren't you related' and explain to them how they are related to each other, the kids just sort of back off."

### D. Language

Several people in the Navajo Nation felt that peacemaking and restorative justice were not the same thing, and you cannot in the Diné language simply replace one word with the other. Language is critical to reclaiming identity and dismantling shame. At the same time, as we discussed the terms, participants understood that there is a national movement called restorative justice that can perhaps incorporate the Navajo tradition of peacemaking.



Judge Perry pointed out that peacemaking is a Seneca Indian word, and not a Navajo word and that they should be using a Navajo word. Also, that language is important to reclaiming our identities and addressing cultural shame and internalized oppression. She said a translation of the Navajo word would be “Talking something over.” Judge Perry said, “The origin of peacemaking is from Northwest Indian tribes and they have a different process to peacemaking. It would be helpful to have a different word for peacemaking—we keep talking about using our language so here is an opportunity to clarify the concept in Navajo. And I don’t know what it would be but there are a lot of different ways it could be expressed. Every time we can move something into our own language we should do that. It would be useful to help the thinking process and encouraging our identities of who we really are and leaving a culture of shame since 1868 and it’s not an easy job to re-align ourselves. It’s kind of like in ceremony when you wash yourself down, it’s like we haven’t washed ourselves down. And if we don’t do that we are just second rate white people, and not the greatest part of ourselves.”

In explaining the difference between peacemaking and restorative justice as he understood it, Thomas Walker the peacemaker said, “Peacemaking can be problem solving, conflict resolution or dispute resolution. It can be before, during or after a conflict. Restorative justice is more after the fact. Peacemaking is highly effective before the conflict, and during the conflict. It is very important and you can make peace with parties, understand the information and facts that led to the incident and talk about why they are in the conflict and their side of the whole picture. People in my community, more and more, ask for peacemakers beforehand [preventive] when things are headed towards a big ugly dispute.” He really emphasized the role peacemaking plays before conflict happens. Thomas said, “You bring a bunch of peace scholars together and then throw in restorative justice and it really messes with my construct. So, peacemaking and restorative justice are not interchangeable.”

Justice Yazzie framed the conversation in terms of the bigger picture, how to see Navajo peacemaking as a part of a movement, “Sometimes we say restorative justice, sometimes we say peacemaking. Do they mean the same thing? At the national level, it is what is called restorative justice and it’s a movement that is developing in different cities, and there are people here because the movement is building, so we have to plan it out, put life into it, put some thoughts and some end results into our effort, if we are going to ask for resources. We all represent different parts of big issues, we have lawyers here, peacemakers here, people who work with the community, we need all of our perspectives to move the big picture. This movement that we want to go after, do we want to or not want to? The choice is ours.”

## 2. Western Paradigms of Restorative Justice

One hundred people participated from the Western paradigm in the various listening sessions and the working group meeting.

### A. Celebrating Strengths

In the listening sessions, we wanted to provide an opportunity for practitioners from the same locality to share time together, and to name and celebrate strengths. Each session started with a more personal check-in and telling a story about a moment when restorative justice really worked, with at least one breakout session dedicated to strengths. Two sites—Minnesota, where restorative justice has been practiced for more than 30 years, and the Bay Area, which has a critical mass of RJ practitioners—dived more deeply into examining and articulating the evolution of restorative justice from a strengths perspective and reflected on its core values.

## Minnesota

In the opening circle in Minnesota, participants reflected on the kinds of values and relationship that are at the core of restorative justice. These were maintained even with the threat of systemic co-optation, as one participant stated, “What has gone well the last 16 years is the people. We were in relationships before restorative justice was ever ‘in the system.’ We need to empower people to realize that we control the system.” Or another way of saying this in a more heart centered way was from Sue Stacey, quoting Kay Pranis, “Restorative justice feeds people’s souls so it will always win out.”

Minnesotans were proud of the strong relationships they had built in a variety of sectors over time. Those relationships were with, “judges, school superintendents, commissioners, the community, volunteers, corrections and law enforcement.” There was particular reference to their relationships built in schools over the long haul, evidence of this being that the Minnesota Department of Education has entire portions of its website dedicated to restorative justice resources. There was also acknowledgment that restorative justice takes time, and commitment, it is not a quick fix and we can’t cut corners—people have to, “really understand that restorative justice is something you have to experience.”

## British Columbia

The conviction with which Minnesota practitioners articulated these bonds was also evident in British Columbia. British Columbian participants felt that community based programs were their strengths. As Mary Brown said, “other programs have come and gone; 2-year funding for government programs and then it’s gone. The restorative justice program is growing.” Much of this growth is attributed to continuity of care and support for people provided by the community, and long term thinking about the role of restorative justice. It was clear that deep relational long haul thinking is a firm conviction of RJ practitioners, and will prove to be a great strength in resisting the “quick fix” mentality of the world at large.

## Bay Area

The Bay Area had a high level of people of color attending (24 out of 28) from various sectors. It was clear that restorative justice is lived as social justice, with little question that it is a movement. RJ practitioners have lived experience at the intersection of racial justice, youth justice, ending mass incarceration, historical harms, sexual harm and domestic violence. Because of this, it seems the Bay Area is often innovating and pushing the boundaries of what is possible with restorative justice and how it intersects with different struggles, movements and lived experiences. This was expressed as a strength in the restorative justice community. Some of the strengths and innovations that were named were that the Bay Area was:

- Leading in systems shifting (Impact Justice, Community Works West)
- Developing the practice of “Restorganizing”— Restorative justice and community organizing (RJOY).
- Naming structural and historical impact at every level.
- Intersecting with criminal justice reform—many Bay Area people overlap within the criminal justice reform and de-incarceration movements. There are more formerly incarcerated people getting out of prison in California than other states, and many have been involved with restorative justice on the inside.
- Integrating in the schools—the magnitude with which Oakland Unified School District (OUSD) staff are trying to embed restorative justice in schools is unprecedented. They are leading the way.
- Attempting more radical street-centered restorative justice where “social worker” or facilitator are eliminated entirely when working in communities (RJOY).
- Working with survivors, people who have harmed and families in healing legacies of sexual violence (The Ahimsa collective)
- Experimenting in restorative living and community (Canticle Farms)
- Integrating diversity and restorative justice (Circle Up)

The Bay Area has a strong sense of a restorative justice community. They have spent time together working out past issues, and cultivating a sense of connection to each other. As sujatha baliga noted, “Early in restorative justice’s growth in the Bay Area there was a falling out and we made an effort to meet, we have a template for community. We actually have a practice of stepping away from ‘crabs in a pot’ and being ‘all boats rise’ and ‘To walk our talk across organizations’ because through that we push through.”

Organizations in the Bay Area have been meeting monthly for years in an informal regional “hub” to offer support, talk through projects, and plan larger restorative justice events. These monthly meetings were first organized by Impact Justice, and transitioned into conference planning hosted by RJOY. Currently it’s being framed as how to think about Oakland as a restorative city, and continues to be hosted by RJOY. There is an open invitation to all of the restorative justice organizations with no pressure to attend, which maintains a sense of community and belonging. Restorative justice practitioners also regularly see each other at other events and working on other issues.

The Bay Area strengths breakout group had some powerful thinking to share. Camisha Fatimah-Gentry said, “Our strengths table was empty at first. Why is that? Why is it so hard for us to operate from out of our strengths? We have to ask ourselves, what is the work that it takes for us to go into a strength state of mind? This is a really important question.” A rich discussion ensued amongst Bay Area participants about what it would mean for them to celebrate and care for themselves given the deep restorative justice work they have undertaken.

The conversation then turned to the work and participants pondered what restorative justice would look like if we didn’t always begin with what was wrong or broken. As nuri nusrat stated, “Automatically we go to harm circles, there is a problem and I need to fix it. We are trying to create a community where the system is the opposite of that.” Followed by sujatha baliga, “What would it look like to sit in the place of the good causes good causes good causes good? It’s all stop the harm, stop the harm, stop the harm.” The breakout group then shared their collective thinking, capturing the strengths of Bay Area restorative justice.

From the breakout session’s flipcharts:

**Q1: What are the strengths in your restorative justice work?**

*In the Micro:*

- a. Wisdom about religious, spiritual, indigenous roots of restorative justice in the work —personal and collective level
- b. Primary focus is on feeling and experience, rather than the facts, stats or intellectual
- c. Diversity of the RJ practitioner community

*In the Meso:*

- a. Strong community and network of practitioners
- b. A culture of acceptance and appreciation for organic and localized practice
- c. A desire for deeper community
- d. Resources—we have created restorative justice jobs.
- e. Commitment and dedication to the practice

*In the Macro:*

- a. Leading in systems shifting
- b. Naming structural and historical impact
- c. National cross pollination comes here
- d. Some local systems partners who get it

**Q2: How do you/we want to maximize these strengths?**

*In the Micro:*

- a. Prioritizing our own self-work
- b. Connecting our professional restorative justice work to our own families and personal lives
- c. Dropping “program” and “tool” for way of life
- d. Every month we need to be in deep circle, deep eating, deep community with each other
- e. Push diversity we see in some arenas of RJ into others

*In the Meso:*

- a. Making intentional space for relationship
- b. Being in deeper relationship with organizations and individual practitioners
- c. “All boats rise with the tide”—abundance philosophy
- d. Be accountable and walk the talk
- e. Devoting time and space to tension

*In the Macro:*

- a. More documentation—capturing the work and getting it on paper, drafting policy
- b. A regional listening session focused on a strengths-based assessment of the work being done locally
- c. Continuous deep courageous uniform front against co-optation. We need a structure for this. (Dinner for 10 people, rotate the people, host, etc.)
- e. Well-positioned to organize and blossom into a restorative justice city
- f. Helping systems partners move past vested interests/business-as-usual

## B. The Full Integration of Social Justice Values into the Movement

While the Bay Area is far from perfect, restorative justice organizations are engaging in difficult conversations and staying in relationship to each other, and RJ practitioners intersect with other movements and have a commitment to intersectionality within the work itself. In the Bay Area listening session the question of whether restorative justice was a social justice movement did not come up: it was just assumed that it was. This made sense given that most of the people attending and who practice restorative justice in the Bay Area were people of color with intersectional identities and/or are engaged in other social justice movements, i.e. in ending mass incarceration, criminal justice reform, Black lives Matter, intersections of gender violence and restorative justice.

Issues of anti-oppression, anti-racism, and intersectionality surfaced in Baltimore, Minnesota and British Columbia, which then organically turned into reflections on whether, how, why restorative justice is a social justice movement or has internalized social justice values. In this next section, we'll be speaking about how these three listening sessions addressed anti-oppression and anti-racism work in the restorative justice community.

It is useful to note that when racism was discussed in the Navajo Nation it was connected to the legacy of colonialism and the continuing impact of the treaty of 1868 on the Navajo people. Most important to this discussion was the erasure of Navajo language, Navajo thinking and the Navajo way of life. And this is central to the assertion of why the Fundamental Law of the Diné needs to be infused in every venue from the kindergarten classroom to the courtroom.

### **British Columbia**

The movement-building breakout group in British Columbia engaged in a rich conversation about restorative justice and social justice. The group shared the sentiment that social justice movements are birthed out of suffering, inequity, and injustice. As one participant stated, “Black Lives Matter, feminism, aboriginal justice movements come from those places. It is what makes them unquestionably movements. Restorative justice didn't originate from the same place.” Christianne Paras said, “Social justice movements are deeply rooted in identity and culture. In restorative justice, we talk in terms of victim and the harm they received, and offender and what they have done. In restorative justice, we use equality a lot, meaning everyone is equal in a circle. In oppression, it is equity—meaning, everyone needs different things to succeed. So... how will restorative justice process provide equity? How will restorative justice provide the opportunity to shed the victim and offender label?”

It was agreed that restorative justice was a kind of movement, but questions continued to emerge about restorative justice in relationship to social justice. Claire Whelan Sadike offered her perspective on the conversations she's in around anti-racism in British Columbia, "There has been some movement in Canada to talk about anti-racism and restorative justice. We talk on the outside of the circle about it, but not in the circle. We actually have to have in circle conversation about racial and intersecting identity because we have people in our circle harming each other by talking in certain ways." Claire Whelan Sadike went on to say, "We talk about the incident in restorative justice, but we don't really talk about the underlying causes of what really needs to be addressed. Why aren't we talking about these underlying factors? We aren't we good at talking about race? We don't talk about the structural causes, i.e. racism. Why do people say Black and whisper?"

In the report back to the full group, the breakout group openly communicated the issues around racism that they had discussed. There seemed to be some trepidation in the full group about entering into a discussion. Some people were eager to offer circle process as a useful way of addressing racial difference and racism because they felt that, "everyone is equal in the circle." Others did not feel that way. The main issue is that if circle keepers aren't aware of their own racism they cannot see the nuances and issues that come in around race in the circle.

Some fear was also expressed in the large group by people who work in or closely with systems partners, that if restorative justice is seen as a social justice movement then, "We run the risk of alienating systems partners like police, corrections, judges, and others." Another participant added, "We are supposed to be more 'impartial' like mediators, and so we run the risk of alienating a side if we are joined with social justice movements." It appeared that more of the grassroots community based participants were in alignment with integrating social justice values into the restorative justice movement, while people working in systems were more prone to take the stance of neutrality.

Participants in British Columbia, Maryland, and Minnesota all brought up the idea that restorative justice is a useful process and "a different kind of movement" that can be used within these social justice movements to address harm. When this idea came up in British Columbia, Haroon Bajwa offered a dose of realism, "How many of us go and speak to other movements about restorative justice? I don't recall anyone doing that work to really talk to other movements. We need to take the responsibility to talk to other movements if we want to see more intersection between restorative justice and racial justice movements, and restorative justice and feminism."

### **Minnesota**

The listening session in Minnesota was the first time some practitioners had gathered together after the dissolution of their statewide restorative justice coalition. During the course of a large group reflection circle the rupture was named by four of the people of color at the session. It seemed related to racial difference and a rift between younger generation practitioners and veteran practitioners. When the issue surfaced in the large reflection circle, the facilitators chose to do another round of circle process so that the group could continue to name the rupture that had happened in the past. A suggestion was made to add a breakout in the listening session to look at the racial tensions between RJ practitioners. When a restorative justice elder Alice Lynch said, "I don't think we should do this now. We need more than two hours to open this conversation." It was agreed that more intentional time was needed to begin to address these issues.

Following that large circle, a small group of people joined the breakout group on coalition building and addressed this further but from the perspective of how to create healthy coalitions. Although there wasn't explicit discussion about marginalization and inclusion, it was implicit in their discussion and guidelines and the demographic of who was in the small group, mainly the younger generation of people of color.

The recommendations came out of naming coalitions that already exist in Minnesota and noticing that people still work in silos and fall prey to the same conventional structures and hierarchy. There were discussions about another council they knew of in another state that had created a lot of tension. The money was all funded to the council. The council is a nonprofit and certifies people in restorative justice, which excludes marginalized communities. The breakout group came up with the following powerful guidelines that were clearly tied to the rupture of the past:

- a. Be wary of the conventional structures of coalition building.
- b. Be particular about the language we use to describe the bringing of people together
- c. Be inclusive: not only with practitioners but also with people who have participated in restorative processes.

The breakout group suggested that the coalition would be or do the following:

- a. A training repository.
- b. Hold a listserv.
- c. A convener of spaces for talking and networking.
- d. A restorative justice coalition that is organized in a restorative fashion. How does this look as an organizational structure? Model it after circle process; take turns, build consensus, center values and principles of restorative justice.
- e. A shared and available space.
- f. Coalition building and criminal justice intersection has more education and advocacy than restorative justice and schools.
- g. Convening circles inside and outside for folks who've gone through restorative justice processes. Also, what does long term support look like for these people?
- h. Create a key list of all the connections to disseminate information and events.

Doing circles that center anti-oppression and difference was named as a necessary next step to re-weaving and creating a sense of trust in the Minnesota RJ community. Many participants expressed a sense of gratitude to the Zehr Institute and this project for bringing them back together, and to the table. As one participant stated, "We need more todays, for the Zehr Institute to call us."

Other sentiments of gratitude were shared by many: "When we sit and talk it strengthens us, this team, our State. We need to do more of this. I miss the connection and meeting." Another said, "We need to be in good relationship with each other otherwise we feel lost. How are we going to be in better relationship with each other?" 4-5 people talked about being energized by this convening, others about remembering the vision and also what they love about restorative justice through the listening session—the relationships.

### ***Reflecting on the Restorative Justice Movement***

The Minnesota movement-building breakout group had a few veterans who had been in RJ work for a long time. There was no question that these elders thought restorative justice was a movement. There was some reflecting on this question and what was named was the need for messaging and telling of restorative justice stories to highlight the movement.

Nancy Riestenberg reflected on the 20ish years she's been in this movement and how she's seen it grow, "Word of mouth is the strongest form of marketing and they have the best word of mouth ever in Minnesota. We need to make peace with the fact that a movement takes time... It's not about being a firecracker it's about being a pilot light (quoting John Lewis)... It takes 3-5 years to be in exploration phase, and then train people, and then make it solid. We've been in it for all of the same time for probably 15 years and we are beginning to see some real harvest to that patience."

Sharon Hendrichs from Yellow Medicine reflected on the last 16 years, "We are like the hummingbirds—one drop at a time on a raging fire. We went from 6 volunteers to 80 volunteers. We are in jails, detention centers, foster homes, families, and no one is saying anything except—here can you fix this? It should be, if restorative justice doesn't work we can always fall back on the justice system, not the other way around. We know we are at our highest capacity when our volunteer comes to us and says I have cancer and says can we have a circle, and we say yes. Also, I just became president of a church and we're using a talking piece to talk about gay pastors."

Nancy Riestenberg continued, “For restorative justice to be authentic, it has to always be becoming. I would like it to be the first option at all sectors, mosque, doctors, everything.” Julie Marthaler added, “Systems and services don’t keep anyone safe. It’s the relationship that social worker has with client. It’s almost so simple that it’s hard to get systems to understand this.”

The conversation then shifted towards media and messaging. There was agreement that we haven’t done a very good job of telling the restorative justice story. One participant stated, “There has to be better communication of what restorative justice is and what it is not. And it’s not one thing. It’s a paradigm shift in a big way. It is the undoing. Un-doing the thinking of hierarchy and labels.” In the end they came up with a bunch of hashtags: (#trusttheprocess, #makeitright, #reclaimjustice, #slowitdown), and talked about what it would be like to launch some really effective media and messaging campaigns.

### **Maryland**

Racial tension came up in the opening circle of the listening session. One of the participants told a story about what he considered a successful RJ moment between “black and white” teenage boys, but kept calling the African American child the assailant, and leaving out relevant details to the story, especially that the instigator was the white child who was not held accountable for making racial slurs at the African American child. In the participant’s partial re-telling of the story it was clear that he didn’t understand the impact of racism on this child as the original harm. Slowly the full story came out in the group, as people asked him questions.

This conversation was followed by an inappropriate question posed by another white participant about, “Why African American children aren’t able to speak up for themselves.” It was asked in the circle, but the person asking looked directly at one of the African American female participants in the room. She answered directly and graciously about how silence comes from a history of oppression and explained the many other reasons why.

Unfortunately, neither Sonya Shah nor Lauren Abramson spoke or addressed the issue directly in the first incident or the second, which they both regretted after the listening session was over. After debriefing with her staff, Lauren Abramson initiated a follow up email offering to debrief with some of the white participants in the room. This led to more unexamined privilege on an email from a third white participant, which came in the form of “not feeling safe” and “not being made safe”—a common response from white people when the issue of race is brought to the table.

From this event, it was clear that anti-oppression and anti-racism work is needed within the RJ community. The future of restorative justice seems in some ways to depend on this becoming a priority. Taking this incident as example, how can a white practitioner who hasn’t done anti-racist work in themselves hold a process for a child of color if they do not understand his social location, history and context? Understanding of structural oppression needs to interweave its way through from every restorative justice interaction to the design of new restorative justice processes, to the regional and national structures that hold it.

This was punctuated by a breakout group that was identifying dividers in our movement. As they stated, “restorative justice work is interconnected with macro institutional and structural racism. Practitioners need to be educated on the legacy and impact of racism in the U.S. and how it manifests into systems. To be a real practitioner of restorative justice you have to be able to understand this. Across the human race, we don’t have shared experience of privilege vs. oppression. We have to dismantle structural racism before we can proceed with the above question [how we overcome divisions between us].”

### ***Restorative Justice as a Social Justice Movement?***

The theme of anti-oppression carried over into the second set of breakout groups. The movement-building breakout group had a rich discussion, and came up with the following statements:

- Restorative justice is not a movement of its own. We need to reframe it.
- Restorative justice should connect to other movements and provide a practice to assist other social justice movements in their movement building.
- We should define restorative justice process and practices we are using more clearly.

In the report back to the full group, Matt Zernhelt said, “We didn’t get very far but we went very deep. We all started with feeling like this is a movement, but then came to the conclusion that restorative justice is probably more like a tool that can assist other social justice movements and should be offering a platform for support.” This led to passionate discussion in the large group. Tarek Maassarani used the word “field” to speak more about how he felt it wasn’t a movement.

Malene Bell mentioned how movements were birthed more from a deep need. Sonya said, “perhaps neither word—‘field’ or ‘movement’—is useful and either is confining but to see it as a transformative process.” Malene Bell said, “it is perhaps both a field and transformative process—people are educating others and bringing it into other communities and also something we do in ourselves.”

Seth Weiner chimed in, “If it’s not a movement, then what is the word? There is a larger social vision that redefines justice. Healing over punishment feels radical and applicable in so many situations, as is the recognition of our interconnectedness, that we can’t throw anyone away, that we heal each other, that we are responsible for each other.”

Seema Gajwani asked, “Can it be both a program and a movement?” In regard to how movements are birthed Seema noted that not all movements start from a need or a struggle from the inside, “The equity movement was orchestrated by leaders. The gay rights agenda was orchestrated by funders and stakeholders. There was a group of people that had a strategic plan.” Sarah King chimed in, “Restorative justice is a way of life and a way of being. We don’t necessarily have to have a policy platform to surface issues. We are talking about healing at all different intersections.” Sonya Shah closed the session by naming where we are, the passion and a tension, and something we haven’t figured out yet.

## C. Scaling Up, Quality Trainings, Integrity of Practice, and Walking Our Talk

It was clear that the tension of scaling up is one of the biggest concerns for practitioners and one of the major threats to the efficacy of restorative justice, since it hits at destroying the heart of restorative justice - shared values and being grounded in relationship.

The Maryland, Bay Area, British Columbia and Minnesota listening sessions added breakout groups on these issues. The major challenges explored across each site were co-optation of restorative justice into the system, concern about practitioners who are not well trained, pressure from systems partners for restorative justice to be a quick fix rather than a paradigm shift. Questions that arose were: As restorative justice grows, are practitioners and nonprofits walking their talk? If not, how can they call themselves RJ practitioners or organizations? How do we create big change without being hierarchical? How do we not become a system because when we become a system we lose our core?

### ***Tensions in Scaling Up***

In the breakout group that explored barriers and challenges to the restorative justice movement, Lauren Abramson kicked off the discussion explaining the situation in the schools, “All throughout Baltimore schools, kids are given only 10 minutes to do circles. The institutional message is that a circle is only when you do something wrong.”



Kids get the impression that restorative justice is only a consequence of wrongdoing and not to build community, which is at the foundation of successful RJ in schools. Vickie Shoap added, “There is a half in mentality. Because our principal said we are going to use it, but they have no real stake in it. They are following the protocol but not really feeling the ethos of the work. Also, a lot of schools are disconnected from communities, parents are not as much a part of the process of discipline and relationship building.” Lauren Abramson continued, “Many schools are doing something that they are calling restorative justice practices so they can check the box.” We had a discussion of the difference between restorative justice that is run from outside and moving towards institutionalization within a school system versus support to small and community based initiatives run from the inside and ground up.

The conversation hit the meta level of colonization and capitalism. Lauren Abramson said, “When RJ practitioners assert a singular replicated institutionalized model, it’s another form of colonization (quoting Sonya Shah). We are drawing from indigenous ways of being, getting money to do it, but not honoring the original spirit and that is a form of colonization.” Mika Dashman added, “Capitalism is a huge barrier—everything has to move very fast and these processes are slow and being with people and doing the hard work of relationship building and listening deeply.”

The conversation continued about how restorative justice is defined too broadly, i.e. “How do we understand integrity around this work when they are calling so many things restorative that are non-restorative.” For example, Jennifer Langdon said, “People say, we do restorative justice, i.e. we write apology letters, we have prisoners clean up trash, we have etcetera. That’s what people call restorative justice, and at the same time you want to open your arms with the work to people who are new to it.”

### ***Integrity of Practice: Creating Pillars of Wisdom***

A breakout group of six practitioners—Lauren Abramson, Seema Gajwani, Vickie Shoap, Kathy Rockefeller, David Deal, and Sonya Shah—discussed the challenges of scaling up, and how to support practitioners. Embedded in the conversation was their questioning of assumptions about where practitioner wisdom comes from—and their agreement that oppressive and racist approaches center only the skill and experience of a facilitator, and ignore the wisdom of the community and the directly impacted. There needs to be a serious re-evaluation of how we think about practitioners and facilitator wisdom. We agreed that we should change the notion of “best practices” to “pillars of wisdom.” Pillars of wisdom integrates a deeper understanding of where wisdom comes from. Best practices are often filled with oppressive assumptions—who designs and creates those best practices?

#### ***Pillars of Wisdom:***

The group identified four pillars that are central to facilitation that could serve as useful guidelines for RJ practitioners in training and support:

1. *Experience and Skill Wisdom* - having years of experience facilitating and have developed skills through time and practice.
2. *Community Wisdom* - by coming from the community in which you work and practice restorative justice you know the ins and outs, history and feeling of that community. This kind of wisdom cannot be replaced.
3. *Directly Impacted Wisdom* - The wisdom of being someone who has caused the same harm or survived a similar harm.
4. *Aptitude Wisdom* - Some people have a knack for facilitation. An innate-relational ability, an intuitive sense of how to be with people, listen, hold nonjudgmental space.

There were other important learnings and recommendations that also came from this breakout group:

- Each community should develop their own overarching values that fit the context of their community. Values should not be decided from the outside.
- Practitioners need on-going learning community to engage with each other to grow, to remember the heart of the work. There should be peer-to-peer practitioner support groups.
- We need to continuously engage partners—outside stakeholders that are systems partners—in understanding our values and building relationship. It has to be continuous engagement because systems partners have a lot of turnover. This would also reinforce the community based nature of restorative justice. As Seema Gajwani said, “all the stakeholders should be learning together and every-time you learn together it reminds you that oh, this is supposed to be community led or determined by the persons impacted and not by facilitators.”
- Facilitators need to continue to do their own work, to walk their talk, to understand their positionality, to be self-reflective—this is critical to being more skilled in cross-racial and cross-oppression issues.

To close the conversation Kathy Rockefeller added this comment, “How do we define quality of practice without becoming the police of it? I like the idea of a continuum, and possibly as a movement would it make sense to define our practices on a continuum?” It seems useful to not label practitioners as “good” or “bad” but to see their/our own development on a continuum.

### **British Columbia**

British Columbia has created a standards project in an attempt to create parameters of restorative justice that practitioners can agree to. Catherine Barga explained that the standards project has been a thoughtful multi-year effort to create better quality in restorative justice. She said they have debated endlessly the word standards—knowing its potential charge to be prescriptive—but still decided to use it. Trying to create a culture of inclusion while building some standards, Aaron Lyons said, “No one is prescribing it, but instead we are asking, what are things we can say we ascribe to?” The spirit is also to have each community create its own set of guidelines. Also, to look across our models and problems for best practices. Alex Zuur added, “For example we know that flexible face-to-face encounters are a best practice so perhaps we should be doing that.” The fear is that without saying anything (no standards, no guidelines) how does one carve out the parameters of restorative justice, i.e. Aaron Lyons said, “How do we define the work? Fundamentally how broad do we make the tent?”

Mary Brown took issue with the notion of standards from an indigenous perspective. She said, “I respectfully disagree. Our community would never agree to standards. It is based on community and each community is different.” As the conversation continued, Brown captured the tension around standards for many marginalized people, who often feel that any attempt from the outside to require guidelines feels intrusive, and any effort to create a national understanding of standards feels like an outside request that was not birthed from the community, and this has historical roots in colonialism. It is clear that this issue remains a conflict in the restorative justice community.

The conversation around standards was also reflected in the report back from a breakout group that explored the tensions of scaling up and creating an integrity to restorative practice. Trainings were a big theme in their discussion. Questions they surfaced were, “Who is doing it and how? How do we know it’s ‘good’? Don’t trainings need to be subsidized to be affordable?” An important recommendation was that trainings should be “higher profile, easier to access, and subsidized.” Their discussion acknowledged that there are very few restorative justice trainings, that they are impossible to find and that to not make them subsidized is elitist. There was discussion of creating a “restorative justice school” that could house trainings, and possibly fall under the new alliance Restorative Justice ABC (Restorative Justice Association of British Columbia).

## **Bay Area**

There was rich discussion in the large circle and many of the breakout groups spoke about the need for quality trainings and how we maintain the integrity of restorative justice practices.

### ***Quick fix versus paradigm shift***

Spread throughout the listening session was a discussion on how restorative justice is seen as a quick fix rather than a paradigm shift by institutions and systems professionals.

David Yusem who oversees 33 restorative justice coordinators and 4 restorative justice managers for the Oakland Unified School district and is confronted daily with this issue said, "In OUSD we have no time. Just the other day, a school is up in arms because four people got their marching orders—but then they give me only 45 minutes to do a circle, and say will you fix it? Even when the institution is trying to embrace restorative justice, they are still an ancient and archaic system."

Four restorative justice coordinators attended the listening session along with an ex-school principal. One of the restorative justice school coordinators added, "In the Oakland Schools people expect restorative justice to be the magic wand to fix bad classroom management or fix conflicts sometimes between people in charge at district level and staff. But they don't give enough time for circle. Restorative justice is magic, but it is not a magic wand." There was discussion about restorative justice coordinators standing firmly in saying no to quick fix situations. Also, there was praise for the teachers who understand the value of restorative justice and do it no matter what. As David Yusem said, "There are teacher leaders who embrace restorative justice first, they do it because they want to do it. Teacher leaders never say my contract won't let me do this. They know it's a best practice."

### ***Culture shifting systems, institutions and community***

There were various conversations around culture shifting systems, institutions and community David Yusem said, "I first try and connect via the relational piece and not "I need this and need that from you. In the relational approach, we are more likely to move systems within the central office even. I know that this is going to be a multi-generational process. I have to believe that this is possible, that we can move the institution more towards a relational, human centered approach where everyone gets an equitable education." sujatha baliga said this is similar in juvenile diversion—that a byproduct of this work is offering restorative justice for working out historical conflicts internally between DAs, to assist them to become more relational and human centered.

Amy Price added that we don't just come up against institutions and systems in culture change but against our neighbors, "I am always bringing this work into my El Cerrito community, Bryan Stevenson calls it getting proximate, meaning the responsibility to bring folks closer together. The result is that I am not invited to cocktail parties anymore." Michael Hatcher a school principal and early adopter of restorative justice added, "When people have a role they take on the beliefs of that role. For example when you work on a factory floor then you think like that. It is hard for people at the district office to breakout of the group mentality. The Center for Leadership has a saying: Invite the stranger and commit to learning publically."

### ***On walking our talk and self-work***

Many participants had a lot to say about the importance of walking our talk as RJ practitioners and the self-work needed to do so.

Concern was expressed about the nonprofit world and organizations that don't walk their talk. As Kashka Banjoko stated, "At the level of facilitators or leaders there is a lot more authentic willingness to share. But when you get to the organizational level, it goes into marketing and copyrighting and I'm not going to share with you because I don't want to cut into my market value." Bonnie Wills added, "At this level where we are facilitators we are cool with each other. But not on an organizational level. Organizations need to understand that whatever you give is going to come back to you."

The group that looked at the Barriers in the restorative justice movement had a lot of discussion about the tensions between the nonprofit systems and restorative justice. Questions and concerns they had were about:

1. *Non-Profit Industrial Complex*—Nonprofits that do restorative justice still operate on a strong hierarchical structure. How do we invent methods of democracy within the nonprofit structure? How do we hold nonprofits accountable to the communities that they are supposedly servicing?”
2. *Which Work is More Valued and Why*—People who are most impacted aren’t given the honor, pay, space, they should be given to do the work. The most impacted aren’t allowed a place at the table to come up with solutions. This relates to the nonprofit world in general, not just restorative justice. One of the participants said, “This is a continuation of a plantation economy—a few dominant people in restorative justice culture are leading it and those most impacted are being exploited.” A specific example was given by Gary Malachi Scott, “People who don’t understand the dynamics of a neighborhood can more easily go into San Quentin and be a facilitator and can be seen as a leader of restorative justice (service providers have a more captive audience in the jails), but those same people are not working on the street or in the neighborhood because no one would show up. Some feel that the work being done in jails gets the most noticed but that’s not necessarily where the most difficult work is being done. It is a barrier to have a captive audience no matter what.”
3. *Trauma and Self Work*—There was discussion on the pervasiveness of trauma and the need for self-work and self-care in RJ practitioners. Some questions the barriers group posed were: “How does trauma show up in folks who are practitioners? If you’re not ready to deal with your trauma then you can be destructive in the community.” It is important to think about, “What do I need to do my best work? I may show up for people, but then I don’t show up for myself.”

Roman Haferd added, “How do we distinguish ourselves from our systems role? How do we reconcile being in the nonprofit industrial complex with our core being?” He also spoke to a core issues for lawyers interested in restorative justice, “Liability culture seeps into the most trusting and progressive teams, if you come from being a lawyer. Lawyers also prevent information sharing and collaboration through the nature of their work.”

David Yusem pointed out the need for internal and external alignment, “We need to exist in the institution but we cannot let the institution exist within us. Because then we become inhuman. And in our work we are about being human. The school district is an archaic institution that is 150 years old, which is about the time slavery ended. To try and implement in school systems is looking at the micro, macro, meso work, all of it, and for a lot of RJ practitioners it’s really looking at ourselves in the micro. Because in order to work within the meso, macro, self-work is necessary, you really have to look in the mirror. I constantly have to remind myself I am a human being and have to treat other people in a relational non transactional way, and that is the priority.”

In order to continue the conversation of walking our talk, a breakout group explored restorative living and restorative justice practices in the most intimate spaces with our families and ourselves. This group of practitioners got deep and personal about their own accountability and family trauma—modeling that restorative justice is not some practice lived out there but a practice that has to be lived in our most intimate spaces.

Watani Steiner started with discussing his restorative living environment, “I am at Canticle Farm and it’s an emerging restorative justice practice with sustainable living, ecological, and we have a house, we have students come through, people coming in from different organizations and we collaborate on different projects. It’s not just coming in and leaving, it’s coming and staying for weeks.” Leo Bruenn added, “Every neighborhood needs something like a town square to shape ideas and hash out places that one can go to, a garden where everyone is a stake holder where we go raise chickens, get eggs, we start getting out of the mindset that we have to hustle. Also, I need a place and a group to sit down with people [to talk] about what is going on at home, I need a place to be accountable. I.e. this is where I messed up with my kids.”

Bonnie Wills made it more personal. “I did circles with my kids as the person who needed to be accountable. When I first approached them with the idea they said, ‘you were a great mom—you came to every game, track meet.’ I said, ‘It’s not about all the good things I did but what I didn’t do.’ This was because I saw the choices they were making. I didn’t call it trauma because they wouldn’t respond to that, but I knew I could reach them and we could start dealing with their trauma if I said I need you to help and support me. Then once I started doing circle with my sons, I started including my grandchildren, you don’t know if kids are getting anything. But one day we had a situation in my family and one of the adults said, I don’t know how we are going to fix this, it’s such a mess. And one of the kids who overheard us yelled, ‘A CIRCLE!’”

Watani Steiner followed with a more personal story, “The most difficult thing for me when I got out of prison was my kids. Every one of them cursed me out. I thought there would be some sense of gratitude, that I came back to this country and went to prison so they could have a better life, but that wasn’t the case no matter what story I told myself. When they were cursing me out, I had to learn how to stay there and accept it. Prison provides a buffer, and then when you get out it all comes out. I had to learn about their hurt points, trauma points, etcetera. My son said, ‘I don’t care about your revolution, I’d never leave my kids the way you left us.’”

### ***Integrity of Practice***

The Bay Area added a breakout group to look at the integrity of our practices as RJ practitioners. This group focused on capturing the tensions we hold as practitioners and approaching those tensions from a both/and perspective—naming one truth and the opposite truth, using the phrase, and at the same time:

Some of the tensions we hold as practitioners are:

- Humility and self-reflection as a circle keeper and at the same time confidence
- Fidelity to basic principles and practices and at the same time fluidity and adaptability
- Be in circle before keeping circle
- Freedom to fail but not let ourselves off the hook
- How to avoid co-opting and colonializing, and honor indigenous roots
- Sufficient and excellent training without “certification”
- Sufficient “do it the right way” without excessive standardization
- Real people do real work, i.e. “real recognizes real”
- Being a true believer of circle and at the same time all circles aren’t happily ever after
- Indigenous time on capitalism’s clock
- Fundability versus realness
- Unquantifiable beauty experiences versus data
- Youth leadership and at the same time letting kids be kids

Other thoughts that emerged:

- “There’s no way an organic process can emerge from using a script.” There is strong resistance to any scripted program.
- The community figures out who gets to continue keeping circle.
- You have to go through training to see what it sparks in yourself and then work towards that. It requires reflection; you have to hold the fidelity piece.
- To be able to keep a circle, you have to know yourself.
- Unwavering belief in Ubuntu.
- Circle keeper in Diné = a person who moves us towards the good.
- It’s hard to do restorative justice in an institution that’s not built for it. Fit a square peg in a round hole.
- We have to talk about leaderless, leaderful, and followership. We don’t want either diffuse, non-hierarchical catastrophe or a dictatorship, but leaderful practice.

Other groups also added their wisdom to this conversation:

- There is no clear standard of practices—people come from different backgrounds and trainings. It is hard to determine who's prepared to facilitate. There is no one resume for a restorative justice facilitator, which creates barriers to determining who's capable. Each community has to determine their own guidelines on what good practice looks like.
- We should make it possible for people from their own communities to also be facilitators: people who can afford training or afford to volunteer are middle class white folks, not the types of people who are coming from the community and are embedded in the community. The need for prioritizing those most impacted from communities to get opportunities for training and education and healing so that they could be trainers and facilitators. Catholic Charities reached out to the community for survivors of crime and formerly incarcerated and gave them free trainings. They recruited and showed they valued those most impacted by giving them training for free, giving them food, and trauma training and healing, etc.

### **3. Defining the Terms: Restorative Justice, Restorative Practices, Peacemaking, and Circle:**

Terminology related to restorative justice was discussed explicitly in the Navajo Nation and British Columbia, and was scattered throughout the other listening sessions within the breakout groups. By terminology, we are referring to the uses and meanings of the words restorative justice, restorative justice practices, restorative practices, peacemaking and circle. It was clear that there is still tension or misunderstanding in how these terms are defined, interrelate, and where there needs to be distinction to maintain the integrity of different community practices.

In movement building it seems useful to say that there are two roots of restorative justice—the western lineage and the indigenous lineage. It would serve movement-building to see these lineages as complementary, rather than contradictory. In the Western paradigm, restorative justice is a term coined by Howard Zehr. It evolved as a result of the failures of a punitive criminal legal system that centers retribution and punishment over survivors' needs and community process in addressing harm. The Western lineage refers to Howard Zehr and other founding voices like Mark Umbreit, Dan Van Ness, Kay Pranis, John Braithwaite, Susan Sharpe, Ron Klaasen, and Dave Worth.

The indigenous roots of “restorative justice” incorporate various types of peacemaking traditions and circle. Restorative justice is not the term used but the outcome of healing and accountability is similar in many of the stories we heard, while centering a holistic worldview.

The most common forms of indigenous circle, that are the format for peacemaking practices known to Westerners, are the circle processes originating from the Tagish and Tlingit peoples of the Yukon territory as popularized in Western world by practitioners like Kay Pranis. In addition, there are Family Group Conferences that originate from the Maori in New Zealand, and circles from the Sioux and Great Plain Indians.

Indigenous communities characterize their own practices in a variety of ways. Peacemaking is not even an agreed upon term. As Judge Perry of the Navajo Nation said, “Peacemaking is not a Navajo word but a word from the Seneca Indians.” She said the Navajo word would be the equivalent of “Talking something over.”

Indigenous people have multi-varied, complex and particular circle practices of their own that should not be reduced and simplified as one process. For example, Peacemakers in the Navajo Nation do not use a talking piece and neither do the Maori in New Zealand, while the Tagish and Tlingit do. All three are doing circle that is specific to their community. Moving into the future, it is useful for Western RJ practitioners to understand that the circle process originating from the Tagish and Tlingit is one form of circle. If Westerners use some form of circle, and do not use circle process, they are not “doing circle or restorative justice the wrong way”—a tendency in the Western mindset is to learn a practice or skill and then assert that it is the way or the model. This replicates a colonial mindset and erases the many traditions and nuances of different indigenous circle traditions, and fails to see that at the heart of circle is not the assertion of a model but a way of being together that is non-hierarchical, interdependent, and holistically embedded in a life way.

Next, there is still tension between restorative practices, restorative justice practices and restorative justice. The first two are used more commonly by practitioners who work in schools to indicate that “justice” is not always the outcome they want. Schools circles are “90% community building and 10% harm circles” as David Yusem of OUSD has said. Schools people have preferred to add the term practices to better fit the range of ways restorative practices are embedded in the schools. In the listening sessions, the terms continued to be used both interchangeably and also specifically. When speaking with schools people they tended to use restorative practices or restorative justice practices, when speaking with criminal justice people, they tended to use restorative justice.

Some RJ practitioners also would like the term restorative justice to remain related to creating alternatives to the criminal legal system that do not involve the State. By calling everything restorative justice it dilutes the work of creating non-punitive alternatives to the criminal legal system. This conversation was had more explicitly in British Columbia in a small breakout group. Aaron Lyons asked, “How do we define the work? Fundamentally how broad do we make the tent, are we talking about restorative justice as primary justice as right relationships and secondary as repairing harm.” Evelyn Zellerer and Alex Zuur also added, “This goes to the fully restorative, partly restorative question. When does it become restorative justice and when does it not? Because then everything we say we can do is restorative justice.”

The question remains whether RJ practitioners are willing to create a “big tent” around this movement that can hold all of these varying lineages, practices, parameters and terminology—restorative justice, restorative justice practices, restorative practices, peacemaking and circle. Is it possible to make distinctions when necessary between these different practices while existing under a big tent that drives this movement forward?

It is worth mentioning in this section on terminology that the term “criminal legal system” has increasingly come into use in restorative justice circles in recent years instead of “criminal justice system” as acknowledgment that justice is frequently not produced in the legal system.

#### **4. Decentralized National Network, Regional Hubs, and Coalition-Building Structures**

One of the important goals of this Listening Project was to explore possible structural containers for the identified restorative justice movement. Two overarching themes emerged in this process:

**There was shared skepticism around conventional organizational forms.** There was a distrust of highly centralized, institutionalized and hierarchical structures that would claim to represent and/or make decisions on behalf of the restorative justice movement on any level. Even in the final gathering of thought leaders in the movement there was a great hesitancy to identify, name or “brainstorm” what a possible structural form could look like that would have a national reach and coordinating function.

In light of the above, it is clear that we are forging new ground; **we are in uncharted territory with the current restorative justice movement and its structural form.** We are being challenged to stretch our most creative and innovative energies in order to collectively imagine new forms of connection and relationship, shared partnerships and power, and embrace a cooperative vision of equitable resources.

### **Structural Depictions**

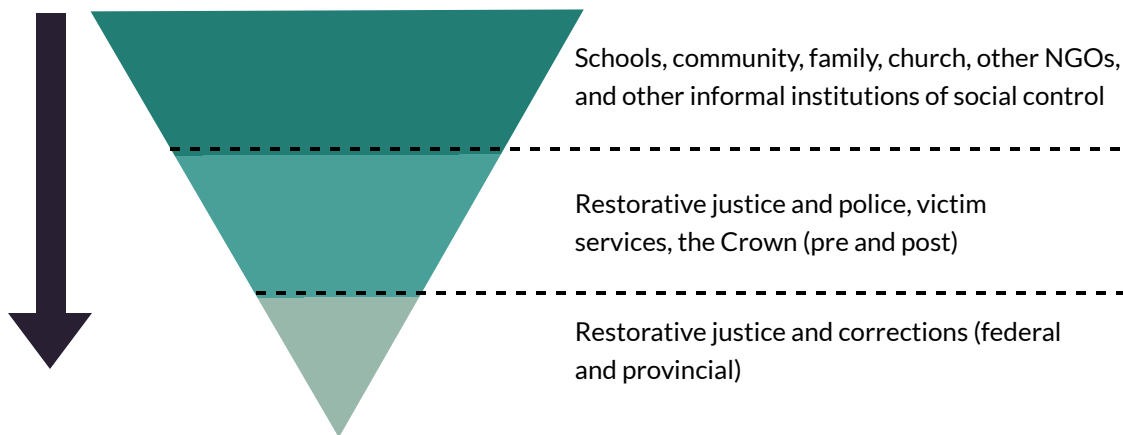
The following observations, cautions and descriptors about structure were uncovered in the process of listening carefully to each of the six sites we visited. We offer these statements as a representative summary of the collective wisdom of the many persons who we engaged with in this *Listening Project*:

1. Any restorative justice structure developed would need to **make its starting point a local, asset-based approach.** This idea holds that a structure is only legitimized when it engages the assets that are already present (human and infrastructural) in any locale. For example: Justice Yazzie of the Navajo Nation is working on creating a Navajo Law Institute at the Navajo Technical University. The goal is to shift the Navajo legal system from the adversarial Anglo-American legal modes that have been imposed on it to a fully Navajo restorative justice system steeped in traditional customs and principles. A key strategy would be to start an apprenticeship program for lawyers. The law students would apply the framework of traditional Diné philosophy and practice. They will work with Navajo communities using the Navajo paradigm to think through issues and solve problems in a traditional Diné manner even while fully understanding the procedures of Anglo-American law. Any national structure that required this Navajo initiative to be altered to accord with the national structure would defeat the purpose of the initiative.
2. Any restorative justice structure developed would need to **move beyond the grip of the criminal legal system and integrate into the broader societal sectors** (e.g. educational, community, business, and religious). The key is to connect already existing groups, services and sectors that may be working in “silos,” but who share an interest in seeing restorative justice grow. For example: From a small group breakout session with the Navajo Nation in Arizona: “The consensus we reached is that first you look where peacemaking is, it is in the court system. In order to go beyond that we should utilize those institutions that already exist, and then focus on the schools and the chapters and then how do you reach into the school system and the need for more support in general, not just financial support but leaders, school boards, etcetera. Community schools are more receptive to bringing in cultural teachings and some understanding of restorative justice or peacemaking than the public school system. How do you reach out even deeper in the community? i.e. the elderly and how to empower the elderly. Using new media social technology, that’s great unless it doesn’t reach everyone. There are still a lot of people out there not tied into social media. Recognition to take a long-term outlook to address this.” (Joe Hibbard, law professor)
3. Any restorative justice structure developed would need to **honor the actual hard work and labor of all actors in the movement.** Volunteerism and minimal remittance to those that do the hardest work of program/project activity on the ground and in the frontlines is another form of neo-colonialism. For example: Thomas, a peacemaker from the Navajo Nation spoke of the STAR school being a peacemaking school, how they do it on zero budget and they just do it. “STAR school students are 98% Navajo and the school is based on Navajo values. We are intentionally a peacemaking school—what we desire as an elementary school who wants to be a peacemaking school. To stay strong on our values and then do this American standard of education is very challenging. Our peacemaking program has a zero budget, but we just do it. We go above and beyond.”



4. Any restorative justice structure developed would need to **focus on the redistribution of power, ownership and decision-making**. This power-sharing is described as mutuality, reciprocity, and inclusivity of learning, growth and change. For example: A breakout group in British Columbia, Canada came up with a different model of developing partnership—what they called the “Inverse triangle.” The following recommendations were made:
  - a. To build effective partnerships; we have to understand each other’s worlds.
  - b. A healthy partnership comes through a healthy relationship. We need to see the world of justice through each other’s lenses.
  - c. Redistribute power. Restorative justice principles need to infuse these relations/partnerships.
  - d. Our work must be founded on mutual learning and growth amongst all stakeholders along the justice spectrum.

The inverted triangle is founded on mutual learning and growth. Areas of intersection would be the following with the most emphasis on the top sector moving downwards:



5. Any restorative justice structure developed would need to be able to **stay true to its values even as it “scaled up.”** For example: “Capitalism, modernity and individualism creates the conditions that divide us into scarcity mentality and competition, gate keeping and fear are there, but at the heart people in Minnesota know it’s all [about] being grounded in relationships and that restorative justice is a different paradigm. Even this convening was a reminder of what was at the center, that relationships were at the center.” (Minnesota Listening Session.)
6. Any national or regional restorative justice structure has to **integrate social justice values from each interpersonal circle to the macro design of restorative processes**. For example, from a Baltimore breakout group: “As they stated, “Restorative justice work is interconnected with macro institutional and structural racism. Practitioners need to be educated on the legacy and impact of racism in the U.S. and how it manifests into systems. To be a real practitioner of restorative justice you have to be able to understand this.”

7. Any national restorative justice structure developed would need to **understand that its function would be to serve the movement** through a sampling of the following activities/tasks:
  - a. Maintaining a training repository and a listserv
  - b. Convening spaces for talking and networking
  - c. Organize in a restorative fashion - Model it after circle or circle process; take turns, build consensus, center values and principles
  - d. Host a shared and available space
  - e. Create a key list of all the connections; to disseminate information and events
  - f. Public education and advocacy work
  - g. Provide resources - funding, political support, technical assistance, and planning for sustainability
  - h. Support racial justice/anti-racism as a critical strategy for the restorative justice movement itself. The more people integrate racial justice itself within the fabric of the work, and there is critical mass, the more it feels like a social movement.
  - i. Focus on messaging, telling good restorative justice stories - having better restorative justice media campaigns by using technology and social media more effectively.
  
8. Any restorative justice structure developed would need to **nurture an emergent, adaptive, and flexible structure** - one that is self-reflective and willing to change at any time in order to adjust to the external and internal inputs and informational flows that are continually emerging within a specific context.  
 For example:
  - a. Coalition building comes under the umbrella of a network that has core values of collectivity and power-with infused from macro to micro.
  - b. Cultural context dictates language use.
  - c. Constantly ask the question: Who is not here? If we don't have the answers, keep expanding the circle.
  - d. Pay attention to unintended consequences.
  - e. Do not get lost in the politics and fundraising aspects of coalition building; then we lose sight of the work!
  - f. Let network or coalition be locally driven, not stimulated nationally
  - g. People have been traumatized by traditional structures in the nonprofit industrial complex - we need to ask: how to hold that when building a new structure?

**Envisioning Structures**

In summary, a spectrum of ideas and suggestions were made regarding the potential structure of a restorative justice movement. What we heard a resounding "no" to from the participants in the Listening Project is that no one was interested in "business as usual" as far as creating a centralized, national structure that would assume to act on behalf of the current burgeoning restorative justice movement. The recommendations that we did hear for possible structural models or frameworks scanned a continuum as follows:

<b>No movement</b>	Focus on using restorative justice as a tool to assist, support, and accompany other social justice movements as they do their work.
<b>Network local initiatives</b>	Focus on coalition-building - connecting and linking local, grassroots community-based programs/projects across the country.
<b>Build capacity of RJ regional hubs</b>	Focus on identifying and supporting multiple organizations with regional, state, or multi-state reach so they can function as convening, networking, resourcing, and outreach "hubs" for the restorative justice movement.

If we believe restorative justice is a movement then we need to try to imagine what kind of structure would guide it: Can designated “regional hubs” also be active in cultivating local networks and building local coalitions? Can we envision regional “hubs” that regularly network with active, local restorative justice sites, convening gatherings, exchanging information and resources, and then repeating the process again? And, can we see the local sites that have now been connected through the regional “hubs” creating their own coalitions that meet regularly to encourage each other, share information, conduct joint training, partner together, and resource each other whether in person or through online forums? Is it possible that funders, in partnership with restorative justice thought leaders, practitioners, organizers, activists and community leaders could jointly work on decentralizing the funding mechanisms, the level of structural ownership, the redistribution of power, and the locus of decision-making process? And we imagine restorative justice organizations working at all levels of society (micro-meso-macro) and they would receive equitable resources and have access to regular spaces for open communication, collaboration, and coordination of their movement building work. And, ultimately, a critical shift in the conception of justice—from punitive to restorative—would occur.

## 5. Sustainable Funding

At the first four listening sessions participants were asked to share their views on sustainable funding. This conversation was facilitated in a small group format with the following prompts:

1. What are your biggest funding and resourcing concerns?
2. Generate realistic ideas for how to collaborate around funding and resourcing
3. Generate 3-5 recommendations

There was varying enthusiasm amongst the sites to engage in this topic. A participant in B.C. commented that, collectively, they were “tired of being asked these questions, giving responses, and then no action being taken.” This point was underscored when only two people participated in that sustainable funding breakout session; both of whom were government representatives who facilitate funding to community-based programs in British Columbia.

The Listening Project facilitation centered a collectivist “all boats rise with the tide” worldview when it came to this particular breakout session. Integrating a collaborative and restorative paradigm into a conversation that is usually driven by capitalistic self-preservation empowered participants to think broadly about how best to fund a movement, rather than individual programs or problems.

The dialogue generated during these breakout sessions informed the sustainable funding discourse at the final convening which helped shape the funding recommendations found earlier in this report.

### ***Partnerships between Funders and Organizations***

The idea of connecting funders and organizations more closely was the only explicitly stated recommendation shared amongst all sites. The need to build and maintain strategic and equitable partnerships was identified as being needed both amongst grassroots restorative justice organizations and also amongst government agencies and funders. In Minnesota, it was suggested that interested funders make themselves known to the restorative justice community. In the Bay Area and Maryland, funders present expressed a need to be better informed about who is doing the work and where. These complimentary suggestions point to a need for more opportunities for all parties to convene, network, and begin building community.

Sites articulated a variety of action items that could be implemented if there were more collaborative partnerships in the field. In Maryland, it was suggested that grassroots organizations work with funders on changing their RFP process to explicitly state that restorative measures would be given funding preference. In the Bay Area, there was discussion about having key stakeholders articulate the outcomes they desire, identify which local providers can best deliver those outcomes, and collaborate with funders on making those connections and getting those programs funded.

### ***Designated staff***

The need for a designated and paid staff person to work on issues of funding (fundraising, grant writing, networking, etc.) was frequently raised. This recommendation also serves as a funding request; that either funders allot monies for this need and/or work to keep the administrative burden light by not making it unduly difficult to apply for funds and report on how those funds are used. The break-out session in Maryland also suggested that sharing certain staff positions (professional fundraiser, attorney, bookkeeper, etc.) amongst a variety of restorative justice programs could be one way to have designated staff person(s) without organizations having to individually shoulder the burden of a full-time salary.

### ***Equity***

In both Minnesota and the Bay Area it was brought up that a.) restorative justice is an intersectional justice and b.) community organizing and advocacy plays a pivotal role in creating opportunities for funding and identifying how best to use those funds. At one session it was simply stated by a funder that “funding follows movements.” The need to prioritize funding local restorative justice providers was identified as an issue of justice and equity in its own right. The Bay Area carried this thread to the point of identifying that there are some funders who are working on adopting an equity lens in their funding decisions. The conversation of how to engage with the funding community and how to make equitable funding decisions in a restorative manner was a theme throughout each session.

### ***Education***

Education was a theme that came up at most sessions, though in different applications. Minnesota needs to see more education being done in the community and with funders concerning what restorative justice is and its benefits. Maryland suggested that RJ practitioners should meet in circle to better understand their work and to develop a self-evaluation tool for restorative programs that would measure where they are and where they want to work towards. British Columbia placed emphasis on building technical skills amongst practitioners and for funders to hold workshops so that grantees could better use the resources available to them.

**“Capitalism, modernity and individualism create the conditions that divide us into scarcity mentality and competition. Gate keeping and fear are there, but at the heart people in Minnesota know it’s all [about] being grounded in relationships and that restorative justice is a different paradigm. Even this convening was a reminder of what was at the center. That relationships are at the center.”**

*Participant, Minnesota Listening Session*

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# APPENDICES

## Appendix #1 - Facilitation Template

The listening sessions were designed as a convening; facilitated dialogue in both large groups (circle process) and small group breakout sessions. All sessions followed a similar template, using the prompts below. Large group processing was not scripted and served as a space for group reflection and debrief.

### Small group breakouts (morning session)

#### 1. Strengths

- a. What are the strengths in your RJ work?
- b. How do we/you want to maximize these strengths?

#### 2. Barriers

- a. What are the micro/meso and institutional/macro barriers to doing your RJ work?
- b. If these are the barriers how can you build off of those and transform them, re-construct or deconstruct them?

#### 3. Connectors

- a. What strong relationships and connections have you built? How?
- b. Why do these relationships work? How do we make these connectors more obvious?

#### 4. Dividers

- a. What are the micro/meso and macro/institutional things that divide us? Why don't these relationships work?
- b. How do we overcome these dividers?

### Small group breakouts (afternoon session)

#### 1. Sustainable funding

- a. What are your biggest funding and resourcing concerns?
- b. Generate realistic ideas for how to collaborate around funding and resourcing.
- c. What are three-five specific recommendations you would make?

#### 2. Coalition-building/Partnership-building

- a. Naming coalitions that you have? How are they working?
- b. What kinds of coalitions would make restorative justice more impactful (this could also be coalitions with other movements)? What currently doesn't exist and should?
- c. What are three-five specific recommendations you would make?

#### 3. Movement-building

- a. How do you imagine the RJ movement building to its highest capacity?
- b. What other movements do you intersect with (either in an RJ capacity or other)?
- c. What other movements should RJ intersect with? Why? How do you see them working together?
- d. What are three-five specific recommendations you would make?

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The Navajo Nation listening session was an exception to the process above. Two main questions were generated and discussed:

1. How can we go beyond the current peacemaking practice by expanding the movement into the greater Navajo Nation?
2. How do we move the Navajo Nation restorative justice movement to deal with the big issues?

## Appendix #2 - Survey Template

1. If you're an RJ practitioner;
  - a. What RJ work are you doing?
  - b. Where?
  - c. With whom?
  
2. If you're not an RJ practitioner;
  - a. How does your personal and/or professional life intersect with RJ?
  
3. How long have you been involved with restorative justice efforts in your area? Other locations?
  
4. Please circle all of the words that describe the RJ practice(s)/program(s) you're involved with:

Personal/familial	Workplace conflict	K-12 schools	Sexual violence
Community-based	Community organizing	Universities	Domestic violence
Systems-based	Racial justice	Youth	Criminal legal system
Funding	Environmental justice	Adults	Law enforcement
Public policy	Culturally-specific	Elderly	Diversion (any form)
Academia	Historical harms	LGBTQ	Courts
Social work	Trauma-healing	Social justice	Corrections
Arts/culture	Victim/survivor services	Re-entry	Probation/parole
  
5. Are there any other ways you would describe your work?
  
6. What do you feel is working well within the RJ field in your location?
  
7. What are some challenges you're facing in your work?
  
8. What RJ coalitions and/or collaborations are you involved with?
  
9. What would sustainable resourcing (funding, personnel, technical assistance, etc.) look like in your region?
  
10. How do you define your region?
  
11. What are your main sources of funding?
  
12. What is the average cycle of your funding? (1, 3, 5 years?)

## Appendix #3 - Attendees & Affiliations

### Site One

Minnesota	Affiliation
Jennifer Blevins	University of Minnesota Center for Restorative Justice and Peacemaking
Chris Clennon	Community member
Gabrielle Gipson	You Have The Power
Alexis Goffe	Paladin Career and Technical High School
Ed Heisler	Men As Peacemakers
Sharon Hendrichs	Yellow Medicine County Restorative Justice Department
Sarah King*	Zehr Institute for Restorative Justice
Natasha Lapcinski	Dialogue Innovations
Brent Lehman	Community Mediation and Restorative Services, Inc.
Kristi LeLoux	Kandiyohi County Attorney's Office
Alice Lynch	Black, Indian, Hispanic, Asian Women in Action
Julie Marthaler	Independent Restorative Justice Facilitator/Trainer
Laraine Mickelson	Carlton County Restorative Justice Program
Paul Mickelson	Carlton County Restorative Justice Program
Donna Minter	Minnesota Peacebuilding Leadership Institute
Alicia Nichols	MN Department of Corrections
Cynthia Prosek	Restorative Justice Community Action
Nancy Riestenberg	MN Department of Education
Sonya Shah*	California Institute of Integral Studies, The Ahimsa Collective
Chelsea Schmitz	Legal Rights Center
Gary Schurrer	Judge, Washington County Peacemaking Circles
Sue Stacey	MN Department of Corrections

### Site Two

Maryland	Affiliation
Lauren Abramson*	Community Conferencing Center
Nel Andrews	Annie E. Casey Foundation
Malene Bell	Community Conferencing Center
Katrina Brooks	Johns Hopkins University Bloomberg School of Public Health
Judy Clarke	Virginia Center for Restorative Justice
Mika Dashman	Restorative Justice Initiative
David Deal	Consultant
Misty Fae	Conflict Resolution Center of Baltimore County
Heather Fogg	Maryland Judiciary Mediation and Conflict Resolution Office
Seema Gajwani	DC Office of the Attorney General
Sarah King	Zehr Institute for Restorative Justice
Jennifer Langdon	Towson University and Circle of Restorative Initiatives for Maryland
Tarek Maassarani	Restorative DC
Alicia Myers	Mid-Shore Pro Bono Community Conferencing
Kathy Rockefeller	Anne Arundel County Public Schools
Sonya Shah*	California Institute of Integral Studies, The Ahimsa Collective
Vickie Shoap	Fairfax County Public Schools
Seth Weiner	Porticus
Matt Zernhelt	Community Conferencing Center

### Site Three

#### British Columbia

#### Affiliation

M. Assadullah	Vancouver Association for Restorative Justice
Haroon Bajwa	Touchstone Family Association
Catherine Bargaen*	Ministry of Public Safety & Solicitor General
Patricia Boyle	Ministry of Public Safety & Solicitor General
Mary Brown	Heiltsuk Guilas Restorative Justice
Rosalind Currie	Ministry of Public Safety & Solicitor General
Jordan Diplock	Royal Canadian Mounted Police "E" Division
Sioned Dyer	North Shore Restorative Justice Society
Joanne Field	Abbotsford Restorative Justice and Advocacy Association
Shanna Grant-Warmald	Restorative Justice Victoria
Caitlin Grisack	Burnaby Royal Canadian Mounted Police
Heather Hildred	Royal Canadian Mounted Police "E" Division
Joanne Jefferson	Sto:lo Nation
Trevor Johnson	Chilliwack Restorative Justice and Youth Advocacy
Terri Kalaski	Consultant
Sarah King	Zehr Institute for Restorative Justice
Celine Lee	Police Victim Services of British Columbia
Lissa Liang	British Columbia Corrections, Aboriginal Programs
Aaron Lyons	Fraser Region Community Justice Initiatives
Gurinder Mann	Communities Embracing Restorative Action Society
Brenda Morrison	Simon Fraser University
Darren Munroe	Royal Canadian Mounted Police "E" Division
Christianne Paras	Community Justice Initiatives Association
Larissa Rutquist	Federal Department of Justice
Sonya Shah*	California Institute of Integral Studies, The Ahimsa Collective
Faith Tait	Nisga'a Lisims Government
Rosemary Trehearne	Sto:lo Nation
Clare Whelan Sadike	Ministry of Public Safety & Solicitor General
Evelyn Zellerer	Peace of the Circle
Alex Zuur	North Shore Restorative Justice Society

### Site Four

#### Bay Area

#### Affiliation

Kashka Banjoko	Insight Prison Project, Restorative Justice Oakland Youth
Teiahsha Bankhead	Restorative Justice Oakland Youth
Sujatha Baliga	Impact Justice
David Belden	Insight Prison Project, CIIS
Leo Bruenn	Community Works
Jenny Chheang	The California Endowment
Lee Copenhagen	California State Uni. East Bay
Kat Culberg	Restorative Justice Oakland Youth
Rose Elizondo	North Oakland RJ Council, San Quentin Prison Interfaith RJ Roundtable
CamishaFatimah Gentry	CFGF Consulting
Ashlee George*	Impact Justice



**Bay Area (cont.)**

	<b>Affiliation</b>
Roman Haferd	Impact Justice
Michael Hatcher	Education for Change, Oakland Unified School District
Sarah King	Zehr Institute for Restorative Justice
Ngheip Ke Lam	Asian Prisoner Support Committee
Carmen Maroney	CA Department of Corrections and Rehabilitation
Nuri Nusrat	Impact Justice
Salina Perry	SEEDS Community Resolution Center
Jenny Poretz	Impact Justice
Amy Price	Zellerbach Family Foundation
Reuben Roberts	Oakland Unified School District
Carinne Salnave	Oakland Unified School District
Malachi Scott	North Oakland Restorative Justice Council
Sonya Shah*	California Institute of Integral Studies, The Ahimsa Collective
Watani Stiner	Canticle Farm and Restorative Justice Facilitator
Georgia Valentine	Impact Justice
Bonnie Willis	Restorative Justice Facilitator
David Yusem	Oakland Unified School District

**Site Five**

**Navajo Nation**

	<b>Affiliation</b>
Roger Begay	Peacemaking Program, Window Rock Judicial District
Lauren Bernally	Navajo Nation Human Rights Commission
Roman Bitsuie	Peacemaking Program
Laronda Cook	Navajo Technical University, student
Miranda Coots	Navajo Technical University, student
Marie Denetdeal	Peacemaking Program, Dilkon Judicial District
Darlene Desiderio	Peacemaking Program, Crownpoint Judicial District
Marcella Eriacho	Navajo Technical University, student
Dolly Goodman	Navajo Technical University, student
Leonard Gorman	Navajo Nation Human Rights Commission
Lyle Harvey	Bahozhoni Consulting
Elaine Henderson	Peacemaking Programs, Window Rock Judicial District
Joe Hibbard	Navajo Technical University
TJ Holgate	DNA-People's Legal Services
Ambrose Jackson	Community member
Larry Jackson Sr.	Community member
Melissa Jackson	Navajo Technical University, student
Kenneth Joe	Traditional Medicine Man
Sarah King	Zehr Institute for Restorative Justice
Herman Largo	Navajo Technical University
Gertrude Lee	Chief Prosecutor of the Navajo Nation
Sharon Nelson	Navajo Technical University
David Nez	Navajo Technical University

**Navajo Nation (cont.)**

**Affiliation**

Carol Perry	Judge, Window Rock District Court
Leonard Perry	Navajo Nation Crownpoint Chapter Government
Sonya Shah*	California Institute of Integral Studies, The Ahimsa Collective
Brett Shelton	Native American Rights Fund
Thomas Walker	Peacemaking Program, Dilkon Judicial District
Seth Weiner	Porticus
Robert Yazzie*	Chief Justice Emeritus of the Navajo Nation Supreme Court, Navajo Technical University

**Working Group Gathering**

**Virginia**

**Affiliation**

Lauren Abramson	Community Conferencing Center
Catherine Bargaen	Ministry of Public Safety and Solicitor General
Kurt Boshart	Harrisonburg Police Department
Ashlee George	Impact Justice
Cheryl Graves	Community Justice for Youth Institute
Bea Hanson	NYC Domestic Violence Task Force
Sarah King*	Zehr Institute for Restorative Justice
Alicia Nichols	MN Department of Corrections
Sonya Shah*	California Institute of Integral Studies, The Ahimsa Collective
Hyunhee Shin	Vera Institute of Justice
Carl Stauffer*	Eastern Mennonite University, Zehr Institute for Restorative Justice
Jonathan Stith	The Alliance for Educational Justice
Jon Swartz	Eastern Mennonite University
Senait Tesfai	Open Society Foundations
Seth Weiner	Porticus
Troy Williams	Restorative Media
Robert Yazzie	Chief Justice Emeritus of the Navajo Nation Supreme Court, Navajo Technical University

**Key:**

\* = Facilitator

**Important points:**

Sonya Shah and Sarah King attended all sessions.

Individuals who attended multiple sessions are only counted once for the final number of participants.